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A TREATISE ON POVERTY, ITS CONSEQUENCES, AND THE REMEDY.

Qu'on vante avec tranſport les vertus de ſa nation, mais qu'on ne ſoit pas aveugle ſur ſes vices.

HELVETIUS.

By WILLIAM SABATIER, Eſq.

London:

PRINTED FOR JOHN STOCKDALE, PICCADILLY.

1797.

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TO THE

RIGHT HONOURABLE

HENRY DUNDAS,

ONE OF HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE,
&c. &c. &c.

SIR,

HAVING been flattered into the belief that the following treatiſe contains a plan, and ſome obſervations, not unworthy attention in the diſcuſſion of the "Bill for the better ſupport "and maintenance of the Poor," which, it is probable, may ſoon take place in parliament, I humbly beg leave, Sir, to offer it to the public under your auſpices, with the pride of having already, in an inſtance of very great importance, received a teſtimony of your approbation, and in the hopes again to merit it in this.

I have the honour to be,

SIR,

With the utmoſt reſpect,

Your moſt obedient,

And very humble ſervant,

WILLIAM SABATIER.

London,
February 14th, 1797.

INTRODUCTION.

So much has been already ſaid, and in vain written, on the ſubject of the poor, that the following pages come before the public under very unfavourable circumſtances, particularly as it is the general belief that nothing new can be brought forward. Much certainly has been already ſaid, and, notwithſtanding this opinion, ſtill more may be added. The great cauſe of failure hitherto is, that the ſurface only has been examined; and the radical defects have, of late years, increaſed to a canker, to the prejudice of thoſe who require more

more attention from the opulent than the prevailing faſhions of the times ſeem diſpoſed to afford.

The people of this country, when poor, are not of the ferocious temper which requires that harſhneſs to regulate them we are apt to imagine; they only want ſteady and humane treatment in an early ſtage, which would ſave much of that rigour which our laws now threaten.

The amendment of an Act of Parliament, or the addition of a new one, to the great ſuperfluity already in exiſtence, unleſs it ſtrikes at the origin of the evil, will have no good effect. We may patch it as long as two threads will hold together, the coat will ſtill be an old one.

A manufacturer in a very great line of buſineſs once conſulted me on a very important ſubject;

ſubject; no leſs than the thorough repair of his premiſes, which, in the courſe of near a century, had riſen by degrees from a very humble cottage till ſeveral acres of ground were covered with buildings. On looking over them, "This, Sir, ſaid he, is the firſt "building erected by my grandfather, and in "it, for a while, he carried on his little buſi- "neſs; my father and myſelf have by de- "grees extended it as you ſee. But great as "the works now are, by continual ill-exe- "cuted and as bad concerted additions, no- "thing can be more inconvenient; and I am "fearful of pulling down one part, leſt the "adjoining one ſhould tumble with it: be- "ſides, I cannot ſtop my buſineſs ſo long at "one time, or afford to ſpend ſo much mo- "ney as would be neceſſary to replace, all at "once, as much as we would wiſh."

After

After maturely conſidering the difficulties which offered, like Scylla and Charybdis, and recollecting the advice which Dædalus gave to his ſon, I recommended to the cautious tradeſman the following plan: When we had made a draft of his premiſes, we drew deſigns for ſuch a ſet of works as he thought would beſt ſuit him, if the whole of his ſhattered buildings were entirely removed; and then I adviſed him annually to aſſign a ſum of money, in order to pull down a part, and to ſubſtitute it by new erections, to be ſubſtantially executed, according to the deſign which had been agreed on between us. In this methodical circumſpect manner, his works, in the courſe of a few years, became as convenient as they had been otherwiſe, and an ornament beſides, inſtead of a diſgrace, to his ample fortune.

Thus would I recommend it to the legiſlature to follow this example; to which end

the following pages are offered to their attention, as they point out ſome of the latent errors of the preſent ſyſtem, and offer a few hints towards a better.

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A TREATISE,

A

TREATISE,

&c.

WHO ARE POOR.

TEMPORAL good and evil are in a great meaſure comparative, but wealth and poverty can be much more poſitively defined; we will therefore endeavour to confine our deſignation of poverty to ſome fixed ſtandard, to a rule that will admit of no exception; for were we to ſay, ſuch are poor who are unable to live in that line of life in which they were brought up, this would be true, but comparatively only; for example,

Suppoſe a foreign nobleman in his native country, poſſeſſed of a variety of manſions, both in town and country, with a ſuitable train of ſervants and carriages, beſides every other convenience which can adminiſter to comfort and luxury; this man, by a ſucceſſion of misfortunes, is exiled from his native country, but brings with him ſuch a ſum of money as will not only enable him to procure for himſelf and family ſuch cloathing and food as are abſolutely neceſſary to ſupport them in health; but more, it will afford them ſuch apparel as will make them appear like the generality of the ſociety they live among; it will enable them, inſtead of fifty, to keep two or three ſervants. Such a man, compared to his former ſtate, feels himſelf to be poor, and under that compariſon the world will ſay he is ſo.

His neighbour, by a courſe of induſtry, has riſen from a ſtate of indigence to the comfort of being able to cloath himſelf and family well, to keep a good ſubſtantial table, his furniture is neat and plain, every thing about him indicates plenty and content; in ſhort, except by his manners and converſation, you could not know the nobleman from his neighbour. Speaking of the latter, we would not call him

poor;

poor; no, far from it, when compared with his former condition, he is rich. And yet the one and the other of theſe men are in the ſame poſitive, though not in the ſame relative ſituation.

Any one who ſpends more than his income, may, in one ſenſe, be ſaid to be poor; but this is not ſufficiently explicit; becauſe there is no ſum, which it is poſſible to comprehend or explain by arithmetic, that may not be rendered inſufficient to ſupport extravagance.

Poverty, therefore, if properly conſidered, may be defined to conſiſt in that ſituation of life, in which any one, incapable of ſufficient perſonal exertions, and poſſeſſing no property or abſolute claim, is deficient in the means of exiſting in corporal health without ſome auxiliary aid.

Under this poſitive definition, I mean to conſider that claſs of people who will become the chief objects of the following pages, with which I ſhall occaſionally include thoſe, who, by the wiſdom of the legiſlature, are exempted from all taxes levied on perſons, lands, or

dwellings, either for the exigencies of the ſtate, the county, or the pariſh.

Having thus defined *who are poor*, we now proceed to enumerate and comment on the cauſes of poverty.

CAUSES

CAUSES OF POVERTY.

POVERTY is occaſioned by ſuch numberleſs cauſes, that it would require a large volume to enumerate them, and after all our pains, we ſhould daily have freſh matter to add to the catalogue. Thus much, however, is certain, that it generally proceeds from our own miſconduct, or that of others; and if we amend the former, and guard againſt the latter, we ſhall more frequently ſucceed than if we derive the cauſes from, and truſt to ſupernatural events for a remedy.

In treating this ſubject, we will include not only thoſe who become poor by miſconduct, but thoſe who remain ſo from the ſame cauſe.

We generally impute the firſt to the prevailing luxury and increaſing vices of the age we live in, which is doubtleſs a vulgar error taken up with careleſſneſs.

If by luxury it is only meant that the inhabitants of theſe iſlands ſpend more money now than they did formerly, it is moſt certainly true; and the reaſon is, that we have been, and ſtill are progreſſively and increaſingly opulent. —If *extravagance* is meant, the degree of it muſt ſtill be meaſured by the ability, for nothing is extravagant that is ſtrictly confined within one's income. The *propriety* of our expenſes is another ſubject; for the very ſame act may be as improper in the rich as in the indigent; the pecuniary diſcretion then is alone what conſtitutes the difference. The only queſtion is, whether the act is wrong in itſelf, whether the aggregate practices and ſentiments of individuals form a public and a private character, which at this time is more wicked and more vicious than formerly. Our hiſtory and our experience ſay no. Formerly the theme was chaunted on the nobility and clergy, becauſe they alone were rich; and now that the latter are more confined in their incomes, the ſame extravagance and vice is imputed to the great body of the people; but declamation, either ancient or modern, is not the criterion by which to judge with candour on the ſubject. We ſhould conſider it by the general effects: thus, though it may be wicked

for

for a ſingle man to pick a pocket, or with a piſtol to rob on the highway, as is frequently done at preſent, it evinces more general vice for each chief and his tenants through a whole nation openly to plunder every neighbour they can conquer,* or for a gang of Robinhoods to reign triumphant, in ſpite of the laws, ſo as to oblige the peaceable inhabitants to enter into aſſociations, and to travel in company for mutual defence, becauſe thoſe laws are unequal to their protection.†

If a religious ſect differ in opinion with us, it would be the height of wickedneſs and cruelty to tie them to the ſtake and burn them, becauſe they cannot think as we do. But if that ſect ſhow by their general and particular conduct, that they would now, as they actually did formerly, overturn our political conſtitution, it is no wickedneſs, it is no perſecution, if we exclude its members from thoſe rights which the reſt of our fellow citizens enjoy, provided it appears that ſuch political liberty would enable them to execute the full tenor of their malice.

* Pennant's Scotland.
† Hume's England.

Our private vices and habits muſt in the ſame degree affect our bodies and our minds, as our public ferocity and cruelty would our manners; but if our perſons were leſs fitted for labour than formerly, we ſhould materially differ in ſhape from thoſe ancient ſtatues which are now in our poſſeſſion: and if our literary productions were leſs vigorous, it might be brought as an argument of debility of mind. But this is not the caſe, for daily experience and occular demonſtration prove the contrary.

From hence we may conclude, that what is uſually termed luxury, is not cenſureable, unleſs it is vicious or injurious to our healths or to ſociety, for we have proved it to be, that expenditure which is beyond our finances, and for thoſe articles which debilitate our minds and bodies. If, therefore, we may judge from the preſent manners, on a compariſon with thoſe of other times, the exiſting generation is not only leſs vicious, but far more virtuous than any former one on record in our hiſtory.

We now return to our ſubject, which is to point out the cauſes of poverty.

Firſt,

Firſt, Thoſe which occaſion a deſcent to poverty.

Second, Thoſe which prevent a riſe from it.

The want of *ſuitable* puniſhments is a great cauſe of poverty,* ſo is the *uncertainty* of them; for as extravagant people are generally idle, ſo the puniſhment ſhould be the very thing they moſt diſlike, and as they dread the puniſhment, they ſhould be certain of it.

Every temptation to extravagance or vice is a cauſe of poverty, and ſhould never be countenanced by the laws, unleſs it appears that the advantage to the public is greater than the injury done to individuals, which is ſeldom the caſe, becauſe it is the ſuperior number of individuals liable to the effect which conſtitute the public.

The want of clear accounts is a uni-

* The ſeverity of the preſent puniſhment induces humane creditors to pardon fraudulent brankrupts, and it is very frequently the uncertainty of it which occaſions thoſe which ariſe from too extravagant living, and too extenſive ſpeculations.

verſal

verſal cauſe of poverty.* It is the worſt evil that can befal a man who has more property to manage, either belonging to himſelf or others, than he can retain in his memory. And this rule is moſt infallible, whenever a perſon feels reluctant to examine his affairs and poſt his books, he is approaching to deſtruction; for a man who is thriving takes pleaſure in counting up his profits.

Unlimited credit and confidence in others is another cauſe. We ſhould truſt no one beyond reaſonable bounds, and that excellent apophthegm, "ſhort reckoning makes "long friends," ſhould be in every one's memory, though on account of its triteneſs never in his mouth.

An irritable temper is a great cauſe of poverty; with it, if in buſineſs, we diſguſt all with whom we deal, and in any ſituation it tempts us to go to law for every trifle; a man by it at laſt will get at variance with all the world, till like a ſavage "his hand is againſt

* No bankrupt ſhould ever be allowed a certificate who cannot produce a complete ſet of books, and who cannot prove that his failure proceeds from unavoidable misfortunes, amongſt which deep and hazardous ſpeculations ſhould never be admitted.

"every one, and every one's hand is againſt "him." It engages him in a ſeries of broils and quarrels, which occaſion battles, and theſe are often the cauſe of blindneſs and broken limbs, ruptures, and other diſability.

A fooliſh propenſity to indulge our fancy in every thing we ſee, that incitement to purchaſe trifles which are of no uſe whatever, is a cauſe of poverty; to which we may add, the vanity of ſhowing our abilities in arts and employments to which we have never been accuſtomed. In this laſt inſtance we ought to recollect, that all employments which have profit for their object, will, if the art is known, like water find its level: let them be ever ſo lucrative at firſt, the gains in the end muſt be moderated and proportioned to the riſk, the ſkill, or the capital; and thoſe are moſt likely to poſſeſs the ſkill who have been educated in the buſineſs.

In this reſpect agriculture is chiefly bewitching, and equally deceitful; it has that ſimplicity of appearance which gives golden hopes by the moſt pleaſurable means. There is in it ſomething ſo native to every man's feelings, that he views the roſes only, he never

ſees

ſees the thorns; he is yet to learn the toil, the diſappointments, the care and anxiety, the artful tricks of ſervants, the ſkill requiſite to buy and ſell, and that combination of judgment which is neceſſary to adapt every different grain to its congenial ſoil. He only reaſons, that as this buſineſs is in general followed by a ſet of people who are ignorant of almoſt every thing elſe, *his* ſuperior education muſt be equal to *their* practice. But in this he will find himſelf miſtaken; the natural intellects of one claſs of men are equal to thoſe of another. Our common farmers having been in this line for many years, and generally from their infancy, have acquired a real knowledge in the profeſſion. Their ſpeech may perhaps be unequal to the taſk of explaining their ſyſtem, but their practice in general is attended with more profit than that of our gentlemen farmers; and from this circumſtance I am inclined to think, there is in the buſineſs ſomething which is not to be attained by the reading of the beſt theory, or by intuition.

Theſe are a ſmall proportion of thoſe cauſes which bring people to poverty; we will now proceed to enumerate ſome of the many which prevent their riſing above it.

The

The poor are too apt to fancy that their humble ſituations proceed from the oppreſſion of the rich, and this idea is encouraged by artful and deſigning people, who are continually on the watch for ſome of thoſe contingencies which never fail to preſent themſelves in time of war, or after a very long peace. But were the poor to ſpend no more than is neceſſary to ſupport them in corporal health, the wages which they get for their ſervices, and the money they earn from their trades, are in general amply ſufficient to effect this, and to lay by in a very few years what is neceſſary to put them into ſuch a line as would lead to opulence; for when we recollect that one penny a day amounts to 1*l.* 10*s.* 5*d.* a year, we muſt be ſenſible there are very few incapable of ſparing ſomething from their earnings. It muſt, however, be confeſſed, that taking the preſent ſtate of the poor into conſideration, the reſolution neceſſary for accumulating ſuch a ſaving is very great, and it will never be accompliſhed except promoted by a previous tuition. To this end the tontine ſcheme was put in practice, and it is certainly the moſt laudable and effectual inſtitution of the kind that ever was thought of;—it is one other addition to promote the *ability of riſing to pecuniary independence*,

independence, for there are many people who having once acquired a trifle beforehand, would be induced to go on, that now deſignedly ſpend every thing they get poſſeſſion of. Tontines, however, are yet in their infancy, and at preſent exiſt only in ſome great cities: a caution is therefore neceſſary, not to ſuffer one to fail from miſmanagement or fraud; for, ſhould that ever be the caſe, there will be a general ſtop from one end of the kingdom to the other. This irreſolution to ſave, and not the want of ſufficient wages, is a radical cauſe of a continuance in poverty; elſe whence is it, that, in London at leaſt, ſo many of the labouring people can afford to be abſent from their work on Monday. It is a ſaying, that "Saint "Monday is the greateſt vagabond in the "Kalendar." The uſual wages of a porter and a common labourer are twelve ſhillings a week,* and there are many who are, in a general way only, ſober and induſtrious, that contrive to ſupport a wife and two children decently and in health by their own wages, and by ſome trifle beſides, which is earned by the former. A man, therefore, poſſeſſed of a

* Since the commencement of the war a porter's wages have riſen to fourteen ſhillings a week.

trade,

trade, and who gets a guinea or twenty-five ſhillings a week, can blame himſelf only if he does not riſe above dependence.

Another cauſe is buying unprofitable food, and the miſmanagement of it afterwards;—tea, with bread and butter, is a very improper breakfaſt for any perſon who works hard. So are cheeſe and porter; the former of theſe has in it very little nouriſhment, and the latter is too coſtly.

Every thing that will contribute to ſave only one penny a day in a poor family ſhould be conſidered an object of importance; and a more eaſy means is not to be found, than baking a ſort of bread which is as wholeſome as any other, and yet cheaper. This is a very common practice in America; but experience has proved, that here, the gipſey under the hedge, or the beggars in the ſtreets, would ſcorn it.

Feeding pigs, cats, dogs, and birds, aſſiſt in keeping people poor: the firſt are intended for profit; but as the poor never calculate their expenſes, ſo they never know the real worth of any thing. A pig, if it runs about, conſumes

conſumes time in looking for it; it frequently gets into the pound; it eats up the ſcraps of the family where there ſhould be none; it occaſions the boiling of victuals ſimply for the ſake of the pot-liquor, and that is the mode of dreſſing food which retains in it the leaſt nouriſhment of any other; then this ſtunted, half-ſtarved creature muſt be fatted, and will, in the end, coſt more than three times the value of the meat. As to the other animals, people never pretend to keep them for profit, what they conſume is evidently a total loſs.

The habit which poor people are in of giving their children money to buy fruit and tarts, if frequent, becomes a bad practice; if now and then only, and for ripe fruit, it is of ſervice to them: at any rate it aſſiſts to increaſe expenſes, and ſhould, therefore, be avoided, where induſtry and management are to be the ſteps to fortune. For there can be no doubt, that, in Great Britain at leaſt, any one poſſeſſed of mental and bodily health, has the ability, by ſaving and perſeverance, to arrive at a comfortable independence from the loweſt indigence. Numberleſs are the inſtances which might be brought in proof. We have ſeen the eldeſt ſon of a peer, who poſſeſſed every advantage which

a good

a good education, a fine perſon, and elegant manners could give him, by a courſe of the utmoſt profligacy and extravagance, in want of bread to eat, and driven at length to the neceſſity of enliſting as a common ſoldier. And we have alſo known a man, whoſe origin was ſo low as to be an errand-boy, become governor of the Bank of England, alderman, ſheriff, lord mayor, and member of Parliament for the city of London.

Let every poor man, therefore, before he complains, lay his hand to his breaſt and ſay, whether he has done his utmoſt to extricate himſelf from his indigence; let him ſeriouſly reflect, whether, when he has earned money by induſtry and hard labour, he has not himſelf ſpent it in drunkenneſs, gaming, or other improprieties; whether he has not permitted his family to indulge in exceſſes of ſome kind unſuiting their ſtation: or whether he does not plead guilty to ſome of thoſe cauſes which are above enumerated as the promoters of poverty. If his conſcience tells him he is innocent, and that in every thing he has done his utmoſt, let him perſevere, and, if poſſible, let him redouble his efforts, for "time and "chance happeneth to all men;" if guilty,

he muſt correct all his extravagancies and neglects, and recollect that nineteen out of twenty of thoſe whoſe ſituations are now his envy, originated from diſtreſſed circumſtances; and that it is more than probable, in this country at leaſt, there is not ſo much as that proportion of the people who can count four generations from perfect indigence. If the poor would but reaſon thus, they would look on their employers as their friends and patrons, and confeſs, that it is through them alone they can hope for independence. It is the rich who furniſh the induſtrious with employment; this is evident, for if there were no rich, who would be found to conſume thoſe endleſs ſuperfluities which conſtitute three-fourths of our manufactures? Our natural wants are but few, but our comforts and ſuperfluities are numerous. The unequal diſtribution of riches, ſo far from being any real cauſe of regret, is a happineſs, as being an incitement to induſtry, which not only produces riches, but as high a reliſh for their enjoyment as hunger does for food: thoſe, therefore, are the moſt unhappy who are deprived of the means of induſtry.

When people afford employment, in order to increaſe their property by the poor man's

man's labour, the riſk which is run, and the many conſequent anxieties ſhould make the latter remember, how ſmall a portion of theſe fall to his lot; he receives his wages, and ſeldom has a thought beyond the preſent moment: whilſt the merchant and ſhop-keeper, who run the riſks of trade, and the farmer the hazard of the ſeaſons, look with anxiety to the day of payment, the event of which depends, perhaps, on a thouſand contingencies. But people ſeldom reflect beyond their own feelings; if they were candid and obſerving enough fairly to compare the good and the evil which accompany the ſtations of others, there are very few who would exchange the whole of their own for any other ſituation whatever. But the beſt of us knowing the extent of our own, perhaps exaggerated, ſufferings, have no leiſure to examine the afflictions of thoſe who even live in our immediate neighbourhood, much leſs do the ignorant know any thing of the lower ranks in other countries.

In every ſtate in Europe, except the Britiſh dominions, the poor are oppreſſed to a very great degree; for they have not a ſufficient or reaſonable *ability* to riſe above poverty. In thoſe even which we conſider as the moſt free,

the poor are not the objects of legiſlative and private attention which they are in England. Thoſe of Switzerland and Savoy, for example, unable to earn more than a bare living in their own country, and that with difficulty, though educated in all the arts of thrift, carry that frugality, which experience has proved to be inſufficient at home, into other ſtates,* where we are led to believe the ſubjects are drained by the avarice and oppreſſion of their princes and clergy; and yet theſe people generally return from thence, after a number of years, with an independency. This defective *ability* of riſing above labour is the true reaſon for their emigration; no one will go any conſiderable diſtance to glean, unleſs he is deceived, if he can do the ſame in the next field; and their invariable return when it is in their power, for no people on earth, when abroad, have the "*mal du païs*" ſo completely as the Swiſs and Savoyards, is a convincing proof that ſuch emigration is the effect of neceſſity. The maxim, by which in moſt other ſtates they raiſe taxes, is to lay them on the poor and to exempt the rich; but in this country we practiſe the reverſe, and the poor man alone is freed: for

* M. Helvetius, tom. iii. p. 87—ibid, tom. iv. p. 485.

he

he muſt rent or poſſeſs to the amount of a certain property in lands or tenements before the principal burdens of the revenue can affect him, and even then only, in a progreſſion which is regulated by the worth, or by the yearly rent. Leather, beer, candles, ſoap, and coals, are the only articles abſolutely neceſſary to the poor, and which are ſubject, at the ſame time, to taxation; for it is the object of our legiſlature, as often as poſſible, to impoſe taxes on the *luxuries* rather than on the *conveniences* of life; and were the poor to contribute leſs of their aſſiſtance in that moſt deſtructive practice of ſmuggling, the legiſlature would be the better able to eaſe the *neceſſaries* above enumerated. But whilſt the difficulty increaſes of taxing foreign articles for fear of its operating as a bounty to an illicit trade, there becomes a greater neceſſity of continuing the exciſe on thoſe few articles, which, under other circumſtances than the preſent demands of government, would moſt certainly be totally free. That this is the ſpirit which actuates Parliament, no one who has paid attention to their proceedings can doubt. In debating every bill, it is the firſt object to conſider how far it affects the poor; the true reaſon of which is, every one is perfectly impreſſed with the liberal

principle, that the neceſſity of labouring for a living is a ſufficient tax on any one, and that every aſſiſtance ſhould be afforded them in order to give them the *ability* of riſing above want. But it requires great ſkill to manage the poor; for, like the ſoil, they bear crops in proportion to the judgment with which they are cultivated; give them too much or too little, the conſequences are equally injurious to themſelves and to others; by the former they become rank and luxuriant, and produce nothing but ſtraw; by the latter, weak and heartleſs, they bear briars and thorns, which, in time, will become a harbour for vermin to deſolate the land.

In juſtice, however, to the lower ranks of the people, it muſt be confeſſed, that they are better than the ſame claſs in many other countries, and in the north much more decent and regular, ſince the union, than in the ſouth of Britain. When, therefore, we make uſe of ſuch terms as *the lower claſs of people*—*the poor*—and *the lower ranks*—it ſhould be underſtood, that they are not meant as terms of reproach or contempt, but to diſtinguiſh the good citizens, whoſe circumſtances oblige them to reſort to labour in order to procure a living, from thoſe vagabonds who are in continual

oppoſition to the laws. Theſe laſt exiſt more or leſs in all countries, but eſpecially in great cities. Formerly they ſwarmed in England, and ſtill more in Scotland, but now their numbers being thinned by tranſportation, a more watchful police, national proſperity, better education, and a variety of other cauſes, they are only to be ſeen in any formidable bodies at the time of riots, when one would wonder whence ſuch horrid looking ſavages could iſſue, for we never ſee them publicly at any other times;—they are the ſame in the political world, as the effects of dirt and inattention are in the animal. The misfortune is, that theſe wretches, living by houſe-breaking and other ſimilar crimes, and harbouring in the crowded parts of the different cities, are out of the reach of the greateſt exertions to detect them, and are, therefore, always ready to riot and to plunder. It is no ſmall addition to this evil, that we have amongſt us a ſet of people who affect to be called patriots, and, who, viewing the happineſs of our civil and political ſociety and government with a jaundiced eye, avail themſelves of any means, and of every opportunity to diſturb it. The political aſperity, which theſe people poſſeſs, is a means and a cauſe of poverty; and as it has a moſt baneful influence

on the poor, and all who have the misfortune of being infected, it becomes neceſſary to treat of it in a particular manner here.

It is not very difficult to diſtinguiſh a patriot, whoſe object is to excite ſedition in thoſe whoſe circumſtances cannot be injured by a change:—he ever ſets the beſt actions in the worſt light, and never gives his opponent credit for any thing; what is bad, for every thing cannot be perfect, is rendered as dark as poſſible; every trifle is perſevered in with a pertinacious obſtinacy, which diſtinguiſhes little minds, and until that vigilance, ſo neceſſary on all public actions, is loſt: for when we are continually alarmed with the cry of wolf, and meet a repeated diſappointment, we are found remiſs when the danger comes. It is a misfortune to the nation, and then only is it in danger, when the oppoſition to government is too ſmall, or when, by wanting candour, they dwindle into contempt. They have then the intereſts of the poor continually in their mouths; but we may always obſerve that their eloquence is principally directed, not to guide the indigent to ſobriety, induſtry, and content, for that they never think of, but to point out the invidious diſtinctions between them

them and the rich. Oppreſſive taxes, ſay they, and avaricious landlords, are the ſole cauſes of poverty, and the overthrow of the exiſting government is the only means of redreſs; the preſent miniſtry is always the worſt we ever knew, for there never *is* an honeſt man in office; former times witneſſed the glory of old England, but now we are an infatuated, undone people, deteſted by all Europe, and on the eve of a civil war.

The *authors* of this claſs, knight errant like, are always armed *cap-a-pié* for the fight; environed with common place cant, they ſtand in never-ſleeping order of battle, ſounding the the ſame hoſtile notes, though refuted eternally both by reaſon and experience; and though killed, like Bays's troops, they die to riſe again. Of this rank is a lady, whoſe poetical abilities have placed her in the moſt elevated groves of Parnaſſus, but who, condeſcending to become the Amazonian champion of ſedition, gives us reaſon to regret the laviſh uſe of talents, which, if confined to that enchanting walk more deſirable in her ſex, would, like the ſweet bird of night, ſooth the ſoul to kindneſs and affection. Well have thoſe poets, from whom we derive the greateſt ſtore of juſt and pleaſing ſentiments,

timents, fancied the moſt delightful paſſions incident to our nature under a female form; and with equal judgment have they ſelected the female ſex to repreſent the furies. This lady, when ſhe touches the warbling lyre, is an ornament to ſociety; and blowing the ſhrill trump of diſcord, ſhe ſhews us how well fitted the fair ſex is for the moſt contraſted paſſion. I was led to theſe reflections by accidentally reading the following paſſage extracted from a ſmall publication, called "Remarks on Mr. "Gilbert Wakefield's Inquiry into the Expe-"diency and Propriety of Public and Social "Worſhip."

1. "So high and haughty is the ſpirit of "ariſtocracy, and ſuch is the increaſing "pride of the privileged claſſes, that it is "to be feared, if men did not attend at the "ſame place here, it would hardly be be-"lieved they were meant to go to the ſame "place hereafter."

2. "It is of ſervice to the cauſe of freedom "therefore, no leſs than to that of virtue, "that there is one place where the invidi-"ous diſtinctions of wealth and titles are "not admitted; where all are equal, not by

"making

" making the low proud, but by making
" the great humble.

3. " How many a man exiſts who poſſeſſes
" not the ſmalleſt property in this earth, of
" which you call him lord, who, from the
" narrowing ſpirit of property, is circum-
" ſcribed and hemmed in by the poſſeſſions
" of his more opulent neighbours, till there
" is ſcarcely an unoccupied ſpot of verdure
" on which he can ſet his foot to admire
" the beauties of nature, or barren moun-
" tain on which he can draw the air, with-
" out a treſpaſs.

4. " The enjoyments of life are for others,
" the labours of it are for him.

5. " He hears thoſe of his claſs ſpoken of
" collectively as of machines, which are to
" be kept in repair indeed, but of which the
" ſole uſe is to raiſe the happineſs of the
" higher orders.

6. " Where, but in the temple of reli-
" gion, ſhall he learn that he is of the ſame
" ſpecies ?"

This

This paſſage, from its comprehenſive conciſeneſs and Jacobin ſentiments, may truely be termed the Sans-culotte creed, and is ſurely much better calculated for the meridian of Paris than of London. In order to appreciate the real value of this elegant morceau, we will, by ſtripping off its ornaments, reduce it to that primitive ſtate in which thoſe who have read the hiſtory of this country, during the middle of the laſt century, will be able to diſcover an old acquaintance.

1. It begins by artfully raiſing the *ariſtocracy* much higher, and inſinuates them to be more numerous than they really are.

2. *The invidious diſtinctions of wealth and titles* are claſped together and brought ſo near to the former paſſage, that a ſtranger would ſuppoſe in this country now, as formerly in France, all wealth and honours were excluſively confined to the *ariſtocracy* and the *privileged claſſes*.

3. The next lines inſinuate, that every man, as *lord of creation*, has a title to ſome ſhare of its terra firma, in order to *admire the beauties of nature*, on which, if he makes a *treſ-*

a *treſpaſs*, even *to draw the air*, he is liable to a *proſecution*.

4. We then are taught that the poor man never enjoys any kind of pleaſure, but a perfect drudge, he is obliged to work for an unrelenting maſter.

5. This poor wretch, a ſlave to *the higher orders*, has, beſides his bodily ſufferings, the mortification to hear himſelf, and thoſe who are kept in the ſame villanage, continually treated with contempt, and conſidered as leſs than human; and if their tyrants do feed them, it is only becauſe they could not otherwiſe procure the neceſſaries, the conveniencies, the ſuperfluities, the luxuries, or, in ſhort, the *happineſs* of life, which the laws and omnipotent cuſtom excluſively appropriate to the *higher orders*.

6. *Where*, if they had not been told it by this religious, philanthropic lady, could the poor wretches have heard that they actually are *of the ſame ſpecies?*

I leave

I leave it to others to determine, how far this parody is fairly made, and ſhall now attempt a refutation of the calumnies contained in the text.

The *ſpirit of ariſtocracy* can ſignify nothing more than the opinion which the nobility have of themſelves, or that which others, who are no part of the ariſtocracy, entertain of them.—We will firſt collect their numbers, and then examine their influence on the people at large, and on the electors and members of the Houſe of Commons——

	England.	Scotland.	Ireland.
Dukes - - -	24	13	4
Marquiſes - -	8	2	5
Earls - - - -	88	43	61
Viſcounts - -	13	4	55
Barons - - -	88	25	57
Biſhops - -	26	0	18
	247	87	200
In the Engliſh liſt		22	28
	247	65	172

Total - - 484

which

Which, ſuppoſing theſe two iſlands to contain thirteen millions and a half of inhabitants, is in the proportion of one to every 27,892 ſouls. Theſe are all that can in this country be denominated ariſtocracy.*

The nobility who ſat in the Houſe of Lords in the reign of Henry the Eighth, were, according to Judge Blackſtone, who cites Sir Edward Coke for his authority, not more numerous than the Spiritual Lords, and theſe laſt conſiſted of two archbiſhops, twenty-four biſhops, twenty-ſix mitred abbots, and two priors;† in all fifty-four. Which is a proof that even in the moſt arbitrary reign this country ever experienced, the ſovereign did not conſider the nobility calculated to ſupport his unconſtitutional power, but took care to balance them with thoſe on whom he could more implicitly depend. Another circumſtance is no

* The addition of the Baronets, for they have titles, though no part of the ariſtocracy, would increaſe the numbers, deducting thoſe who are Peers, to 1255, or an average of one to 10,757 inhabitants. It is true that the ſons of Dukes, Marquiſes, and Earls, have a title by *courteſy*; but beſides their not being numerous, they cannot without much trouble be aſcertained, and if that was not the caſe, the accuracy would be of no conſequence, for they have no greater privilege than the moſt inſignificant individual.

† Bl. b. 1, ch. 2, pa. 155.

leſs

leſs remarkable. "Once, in the reign of Queen "Ann, there was an inſtance of creating no "leſs than twelve (peers) together; in con- "templation of which, in the reign of King "George the Firſt, a bill paſſed the Houſe of "Lords, and was countenanced by the then "miniſtry for limiting the number of the peer- "age. This was thought by ſome to promiſe "a great acquiſition to the conſtitution, by re- "ſtraining the prerogative from gaining the "aſcendant in that auguſt aſſembly, by pour- "ing in at pleaſure an unlimited number of "new created lords. But the bill was ill re- "liſhed, and miſcarried in the Houſe of Com- "mons, whoſe leading members were then "deſirous to keep the avenues to the other "houſe as open and eaſy as poſſible."* And they were perfectly right; for, however it may ſuit the purpoſes of thoſe who wiſh the de- ſtruction of our moſt excellent conſtitution to declaim againſt its ariſtocracy, the true friends of their country then, as now, were ſenſible that "a body of nobility is more peculiarly "neceſſary in our mixed and compounded con- "ſtitution, in order to ſupport the rights of "both the crown and the people, by forming

* Bl. b. 1, ch. 2, p. 157.

"a bar-

"a barrier to withſtand the incroachments of "of both."* And though this might not be the ſole cauſe of rejecting the bill, the Commons ſhewed, by their conduct on the occaſion, that they had no idle nor ſplenetic jealouſy of thoſe who they knew in many inſtances had ſaved their country from impending ruin. The truth is, that the ariſtocratical branch of our conſtitution has more temper and ſteadineſs than either of the others, and of this our republicans are now, as they have long ſince been, perfectly ſenſible; for "when in "the laſt century the Commons had deter-"mined to extirpate monarchy, they alſo "voted the Houſe of Lords to be uſeleſs and "dangerous."†

The word *privilege* implies an immunity, peculiar right, or excluſive advantage; we will now inquire what thoſe are which belong to the nobility. As members of the legiſlature they have theſe that follow:

1*ſt*. Liberty of ſpeech in Parliament.

2*d*. Freedom from arreſts in ſuits of law.

} Theſe alſo belong to the members of the Houſe of Commons.

* Bl. b. i. c. 2, p. 158. † Ibid.

3*d*. They are attended in Parliament by the twelve judges and maſters in chancery.

4*th*. They may vote by proxy.

5*th*. They may enter their diſſents on their journals.

6*th*. All bills which may affect the peerage muſt originate in their houſe; nor muſt thoſe bills undergo any alterations in the Houſe of Commons.—The other Houſe has one ſimilar to this in regard to money bills.

7*th*. Every ſpiritual and temporal Peer, both when he goes to, and when he returns from Parliament, may kill one or two of the King's deer without a particular leave. 9 *H*. 3.

The Peers formerly poſſeſſed many other privileges, which were all made void by 12 *W*. 3. —2 & 3 *Ann*.—11 *G*. 2. & 10 *G*. 3.

The fair authoreſs of the pre-cited quotation, when ſhe wrote it, took for granted what ſhe had been accuſtomed to hear uttered by prejudiced people of her acquaintance. As a lady and a poeteſs, it cannot be expected ſhe ſhould be

be ſo well verſed in the conſtitution of her country as thoſe whoſe habits in life make it more familiar; but then it is great pity ſhe ſhould venture on a ſubject, which, by being handled with indiſcretion, and cloathed in elegant language, may impoſe on thoſe, who, ignorant themſelves, take every bold aſſertion for truth, without that inveſtigation which it is prudent to beſtow on a ſubject of importance. But perhaps I am miſtaken, and the lady only ventured on an error, rather than obliterate a well turned period. We will now return to examine the wealth of the nobility, and as their privileges will give them no influence, we will ſee whether that, or any thing elſe they poſſeſs, can influence the courts of judicature.

If we calculate the wealth of the peers at an annual rental of 7000*l.* each for the three kingdoms, which is by far too great, it amounts to three millions and three hundred and eighty-eight thouſand pounds; and if we take the thirteen millions and a half of people, and average their's at 2*s.* each a day, which is by much too little, it amounts to four hundred and ninety-two millions ſeven hundred and fifty thouſand pounds. By this calculation it muſt appear demonſtrative, that what can poſ-

ſibly be ſpared out of ſuch an income, will not ſuffice to influence the people in a maſs. We will next proceed to the courts.

Lord Bacon, in the beginning of the laſt century, was accuſed of bribery and corruption, and though High Chancellor of England, and one of the moſt learned men of his time, was found guilty by his peers and fined.

Lord Ferrers, in the year 1760, committed murder on his ſteward, and being tried by the Lords, was condemned and hanged.

Lord Abingdon, in the year 1795, was tried for a libel on a Mr. Sermon, an attorney, by printing a ſpeech which he had delivered in *the Houſe of Peers*, and being in the court of King's Bench, before Lord Kenyon, found guilty by a jury of *commoners*, was ſentenced to three months impriſonment in the King's Bench priſon, fined 100*l.* and to give ſecurity for his good behaviour during three years, himſelf in 200*l.* and two ſureties in 100*l.* each. From theſe few inſtances, for, to the credit of the peerage there are not many, we may ſafely conclude, that under our conſtitution a Peer can no more infringe the laws than a Commoner.

I be-

I believe it will never be diſputed that our laws act equally on all the ſubjects of the empire; nor that a Peer, any more than a beggar, can do an injury to the meaneſt of his fellow ſubjects without incurring the penalty of his tranſgreſſion; indeed, if there is perfection on earth, it is on an Engliſh bench. I believe we muſt give up our ſearch after the *privileged claſſes*, for I am convinced we ſhall not find them among the nobility; we might perhaps diſcover ſomething of the kind in the charter of the city of London, and other corporations; but as the lady's ſenſe of propriety could never have intended ſuch lofty language for any other than the *higher orders*, we will leave the good citizens in quiet poſſeſſion of what I believe the ariſtocracy will never envy them; though it muſt be confeſſed that every advantage which the public at large could derive from *their chartered privileges* is long ſince accompliſhed. It does not then appear that in criminal cauſes the perſonal influence of the ariſtocracy, either in their own houſe, as a ſupreme court of judicature, or in the court of King's Bench, though preſided in by one of their own body, can avail them any thing. Let us, however, ſtill proceed, and examine the amount of their influence on particular perſons, among the peo-

ple at large, and afterwards in the Houſe of Commons.

The perſonal influence of a noble, or that of any other man, can extend, where the laws operate equally, no farther than his tenants, his tradeſmen, or ſuch whoſe perſons are immediately employed by him, unleſs it is occaſioned by that fair good will which is no more than a voluntary offering for abilities, or ſome other quality acceptable to thoſe who make the return. Now, ſuppoſe a nobleman to poſſeſs an annual income of 7000*l.* one half in land and the other in tenements; the former at leaſes of 200*l.* each, and the latter at 20*l.* and that they are all under his Lordſhip's influence; the number amounts to 188 only, which, among 27,892, is no very large proportion of the public: how many thouſand manufacturers have ten times that number in their immediate employment? But this is more than the truth, for it does not neceſſarily follow, that becauſe a man rents a houſe, he muſt be under his landlord's political influence; though it muſt be confeſſed, that if he takes a farm on leaſe, and that leaſe is a ſhort one, provided he has no other dependance, it is more than probable he would be. Thoſe, however, who

are

are employed by the tenant muſt not be ſuppoſed on that account to be influenced by the landlord, as every one acquainted with country people will no doubt confeſs. Should the nobility, however, by any means whatever, procure a decided influence in a number of ſmall communities, which have the election of members for the Houſe of Commons, and ſhould the aggregate amount of the numbers ſo returned, occaſion an undue influence in that aſſembly, the public would have reaſon to dread the conſequences. We will therefore proceed to the examination of a circumſtance which it muſt be confeſſed is an important one, and I enter on the ſubject with diffidence, as wiſhing to ſoften the aſperity of that cenſure which is generally thought to be well founded; and yet ſenſible that ſo great a conſtitutional lawyer as Judge Blackſtone, amongſt many others, ſeems to lean againſt me, though not decidedly, for he only ſpeaks of a *change*, where he ſays, "if any alteration might be "wiſhed or ſuggeſted in the preſent frame of "Parliaments, it ſhould be in favor of a more "complete repreſentation of the people."*

* Bl. b. i. c. 2, p. 172.

The Houſe of Commons conſiſts of 558 members; and, according to the publications which were made ſome years ago in order to prove the extent of an undue influence, the numbers were as follow:

38	Boroughs and towns ſaid to be returned by commoners, at 2 each - -			76
16	Do. do. by peers and commoners jointly -			32
64	Do. do. by peers only	2 each	128	132
4	Do. do. by peers only	1 each	4	
122				240

As this ſtatement was made with a deſign to remove the apparent evil, we muſt ſuppoſe that it does not fall ſhort of the truth, though one would ſuſpect it rather exceeded, when we ſee three towns in the liſt that contain 1000 voters, and two of 800 each. As, however, no influence can be injurious if there is an equipoiſe to it, the 32 which are ſent jointly by peers and commoners muſt be put out of the queſtion; and, deducting the 76 which are returned by commoners from the 132 returned by

by peers alone, leaves a ſuperiority in the latter of 56 members to be counter-balanced by the 318 which are confeſſed to be independently elected.

Perfect independence is no where to be found, for we are all at times influenced by ſome motive or other beſides that which proceeds from truth. Many a man thinks he has that bright ſtar of perfection in view, and yet is biaſſed by ſome paſſion, weakneſs, or miſjudgment, which influences his beſt intentions. That action alone is virtuous or vicious, not as it is right or wrong, injurious or beneficial, in its effects, but as it proceeds from a virtuous or vicious deſign. Men well educated and informed in the habits of the world are therefore beſt calculated for the office of ſenators, for they are moſt likely to be uninfluenced by improprieties, as being poſſeſſed of judgment and diſcernment. But ſtill a human being, however complete his knowledge, will be in ſome degree influenced by his particular pecuniary intereſt: he who derives his income from lands or merchandize will unintentionally lean towards that ſcale which bears the weight of his intereſt; his neighbour's ſcale will generally be found wanting, and prove a ſecondary conſideration.

It

It therefore becomes neceſſary that every intereſt whatever ſhould have its proportioned repreſentatives in the great aſſembly of the people. Members from counties are beſt calculated, in general, to defend the landed intereſts; thoſe from cities, trade; univerſities, learning; and boroughs, when under influence, but not otherwiſe, the other intereſts of every denomination. If theſe laſt were to return their own members totally without influence, they would conſtantly become injurious to the community, inſtead of affording that benefit which they do at preſent. They would return members of their own corporations, and their confined educations and inexperience by ſuperior proportioned numbers would greatly embarraſs the reſt of the Houſe.—Unleſs there was a pecuniary or other intereſt which the voters valued more than that aſcendancy, where would be the inducement to ſend ſtrangers in their ſtead? And if the voters were ſo numerous in each town as to be above purchaſe, where would the army, the navy, the Eaſt India Company, the Weſt India planters, the coloniſts, the funded and other monied intereſts, canals, mines, ſhipping, Ireland, the Houſe of Lords, and the King, find advocates? not in the prejudices of farmers, landholders, merchants, and ſhopkeepers; and

be

be it remembered, that a negative even in the Lords ſhould ever be avoided; but from the King it never comes, except in caſes of the utmoſt extremity.

The words bribery and corruption, when applied to boroughs, are often uſed to terrify the unthinking, but when we come to examine cauſes by effects, we ſhall not unfrequently find that the imputation is falſe in its conſequences, though true in fact. The practice does not always introduce venality into the Houſe of Commons, for many an independent member comes in by pecuniary influence. When the practice riſes to an inordinate height, no doubt the Houſe will apply a remedy.

The effects tell me that this reaſoning is founded in truth, for on examining many of thoſe queſtions, which in the Houſes of Parliament are brought forward by the *outs* for the ſole purpoſe of teazing the *ins*, we never fail to diſcover as great a proportion of theſe influenced borough members and their patrons on one ſide as on the other. Where, then, is the injury of this influence? in the ſame ſources whence formerly originated the objection to the ſupport of armies in times of peace,

peace, and the purchaſe of army commiſſions; ſometimes in diſcontent, ſometimes in miſjudgment. As long as we ſee the general welfare on the increaſe, and our liberties, when neceſſary,* fenced in by additional ſecurity, why ſhould we require any innovation? Who knows but the effects might prove fatal to the real intereſts and liberties of our country? We pardon the fly, which, crawling on the cornice of ſome ſtately edifice, cenſures a trifling imagined irregularity, becauſe it has a microſcopic eye; this a more noble mind will paſs unnoticed, and, viewing the collected pile from a reaſonable point, will admire the dignity, firmneſs, proportion, and beauty of the whole.

We now are come to what is marked as the third diviſion of this ſubject.—An agrarian diſtribution, the uniform *promiſe* of all equaliſers, is nothing but a trap; a promiſe which thoſe who make, know perfectly well the impoſſibility of accompliſhing. Suppoſe, for a moment, an equal diviſion of property to-day; A, B, and C, go to the gaming table to-morrow—what becomes of the ſpirit of equality?

* Vide the deciſion in the Court of King's Bench on general warrants, trial on Somerſet the black man, the jury-bill in trials for libels, &c.

it

it vaniſhes into vapour. Mark the juſtice alſo —Two men ſet out in life with equal contiguous property; the one, a ſober, induſtrious being, riſes early, watches late, and by attention improves the *beauties of nature*. His neighbour, a character the very reverſe of the other, and, by an oppoſite conduct, neglecting to cultivate his own lands, comes in time to want the common neceſſaries of life; ſtill retaining, however, a great admiration for the *beauties of nature*, he makes a *treſpaſs* on his worthy friend, who remonſtrates on the impropriety of his conduct; the other, by this time become a perfect ſans-culotte, with one hand ſtops his mouth with the Rights of Man, and with the other knocks him down for a monopoliſer; behold, once more, the ſpirit and very ſubſtance of equality!

We will now examine the fourth diviſion—One characteriſtic of a free government is, that every man ſhall have the power of chuſing his own pleaſures and amuſements; for, as Blackſtone ſays, "Let a man be ever ſo abandoned "in his principles, or vicious in his practice, "provided he keeps his wickedneſs to himſelf, "and does not offend the rules of decency, he "is

" is out of the reach of human laws."* But if a father, poſſeſſing property, has been extravagant, or even unfortunate in the ſelection of expenditure, the ſon muſt neceſſarily work, not only to acquire the pleaſures, but frequently the very neceſſaries of life; and what increaſes the difficulties of obtaining them is, the numerous competitors he has to contend with, for every one being emulous to procure employment underworks his fellow, and thereby reduces the wages, until much work is done for a little money. This is the life of commerce, for if it was not ſo we ſhould have no manufactures at all. As ſoon as an article ceaſes to give ſufficient profit to pay the workman a little more than enough to ſupport him and his family, it is no longer made; and it never can do more than that; for if the wages which are paid were more than enough for this purpoſe on one article, there is no reaſon why they ſhould not be ſo on all; and the inſtant that was the caſe the workman would derive no benefit from it; for though he might form a riſe in his own trade, a riſe on thoſe articles which he purchaſes places him where he was before; therefore no man can receive any real and laſting ad-

* Bl. b. i. c. 1. p. 124.

vantage

vantage unleſs the riſe is partial, and then it becomes a proportioned injury to others; if the conſumption is foreign, then the impolicy becomes evident, and the riſe brings its own puniſhment.* As the wages muſt be enough to ſupport a large family, a ſaving, induſtrious, ſingle man, or one who has few or no children, may lay up ſufficient, from theſe circumſtances, to increaſe his profits, by becoming a principal inſtead of an inferior. In ſhort, there is firſt a competition among workmen, then between merchants, and finally with nations. From hence we may conclude, that *the enjoyments of life* are for the ſober and induſtrious, and the *labours* of it ultimately for the drunken and profligate.

* Formerly the orders from Liſbon for ſatins were very great, and the journeymen weavers in Spitalfields finding themſelves in demand, inſiſted on an increaſe of wages; after various conteſts they obtained their ends. This circumſtance, added to the increaſed price of raw ſilks, obliged the maſters gradually to make that article ſo ſlight that the orders were no longer ſent, and now no ſatins are made except for home conſumption. That competition which tends to improve the quality of an article, or to make it cheaper, will increaſe the quantity of a manufacture, and every means that has a contrary effect muſt tend to annihilate it.—This was the caſe at Taunton, this is the ſame in Spitalfields, and will be the ſame every where.

The moſt enthuſiaſtic republicans have ever been poſſeſſed of ſlaves. The Spartans,* Lacedæmonians, and Romans, among the ancients; the New Englanders, in the laſt century;† and the Virginians, Marylanders, Carolinians,

* M. Helvetius, tom. iv. p. 588.

† During the ſummer of 1637 the war was carried on with the greateſt energy, and with that ſucceſs which vigour, when conducted with common ſenſe, will always procure. The Pequots defended themſelves with the ſpirit of a people contending for their country, for their exiſtence. But ſuperior arms and knowledge, and perhaps bravery, prevailed; and this tribe was extirpated. The priſoners were either tranſported to the Weſt Indies, and there ſold for ſlaves, or reduced to a more painful ſervitude in New England, becauſe they daily beheld thoſe regions where they had once enjoyed freedom and happineſs. The allies diſagreeing with regard to the property of the female captives, butchered ſeveral of them with a barbarity which would have diſgraced a better cauſe.——Chalmer's Political Annals, b. i. c. 12. p. 291, 292.

It is worth while to accompany the preceding note with a paſſage from Hutchinſon's Hiſtory of Maſſachuſets, v. i. p. 75.

" Intolerance was interwoven into the frame of that " government which Maſſachuſets had created for itſelf. " From the public proceedings of thoſe days, it is evident " that inquiſition was made not only into the public de- " clarations and practice of men, but even into their pri- " vate judgments. The miniſters of that ſanctified re- " gion preached againſt toleration as a ſin in government " that would bring down the judgments of heaven upon " the land. Even the gentle ſpirit of the Muſes was over- " borne by the univerſal degeneracy, and throwing their " perſuaſive

linians, and Georgians, at this moment. The negroes in the Weſt Indies, and ſouthern parts of North America, are really treated like *machines*, and if this obſervation of our fair authoreſs had been intended for a proof of honeſt reſentment in favour of theſe poor wretches, heaven forbid it ſhould have attracted from me any other than a reverberated ſigh for their diſtreſs; but to tell the inhabitants of this iſland that any of them are treated as *machines*, is certainly a deviation from that candour for which the enthuſiaſm itſelf of a republican can never plead excuſe.

I muſt beg pardon of the lady for the little ceremony with which I have treated, not her, but her opinions, in this paſſage. I have never read a ſingle line of the pamplet from which the above extract is taken, except what is contained in the paragraphs inſerted in the Monthly Review for Auguſt, 1792, and which accident alone brought under my attention. In idly turning over the leaves of that publication I

" perſuaſive influence into the ſcale of perſecution, they " promoted the unchriſtian temper of the times. The " following are the dying lines of Governor Dudley:

" Let men of God in court and churches watch
" O'er ſuch as do a toleration hatch.

ſaw a favourite name; and as thoſe publications of this lady, which I had before read, had always given me pleaſure, I ſtopped to pay a viſit to an old friend; the elegance of the language induced me to proceed; but I ſoon diſcovered ſuch a collection of republican opinions as were never before, I believe, aſſembled in ſo ſmall a compaſs. The French, even at this day, with the aſſiſtance of all their new-coined phraſes and refinements on republican phrenzy, might have written a volume on this ſubject, and in the end have reſorted to their moſt barbarous deeds to elucidate the text; but ſo energetic is the language of our fair authoreſs, ſhe proves with Lord Roſcommon, that

" The weighty bullion of one ſterling line,
" Drawn to French wire would through whole pages
" ſhine."

One would fain hope the experienced miſery of the preſent age in *other* countries may induce poſterity in *this* to lay aſide thoſe fooliſh deluſions which can never be realiſed; but that hope will ſoon vaniſh when we recollect the annals of this country in the laſt century. We may therefore truly ſay with Mr. Hume, " in

" vain is the page of hiſtory held forth to " mankind," they never will profit by it. If they did, the French might have ſeen the ſame doctrines, formerly the pretence, as they are at this time, for involving mankind in Utopian projects, formed to gratify the turbulence of thoſe whoſe ruined fortunes ſtimulate them to become the mountebank patriots of their country. If they were its *real* friends, they would ſtop where reform was accompliſhed, but this they never do; for, like the modern French, the deſperate fanatics of the laſt century,

" Whoſe ſlender meal was ſhorter than their grace,"*

firſt drew in ſome well-meaning people to join them in a reform of real abuſes; and under that diſguiſe inſinuated their republican viſions until they acquired undiſturbed poſſeſſion of the goverment; in which ſometimes a knot of tyrants, and at length a ſingle one, blundered during ſixteen years. Finally, when the people had fatally experienced the miſerable iſſue of truſting to fair promiſes, and a leſs ſkilful

* Miſs A. L. Aikin's Poems.

ruler than the one they had lately ſerved, gave them the opportunity, they made an unreſtrained offer of the crown to its lawful heir. And ſhall we enable the deſcendants of theſe ſame people, with the ſame pretences, to try the ſame experiment? Shall we forego the happineſs of increaſing proſperity and wealth, under the limited monarchy with which we are now bleſſed, to make another trial of their ſkill in government, their faith in oaths, and their religious moderation?

"Shall we on this fair mountain leave to feed,
"And batten on that moor?"*

It may with truth be ſaid, that the errors which are interwoven in our conſtitution are not evils of the laſt importance, and that they never oppreſs the poor; they are the remains of former times, when the world was leſs enlightened than it is at preſent; but, like excreſcences on the human body, to ſhave them off at once might produce evils dangerous to life; we, therefore, ſubmit to bear them as well as thoſe which modern manners and cuſtoms produce,

* Sh. Hamlet.

with

with patience, and until a fit opportunity offers to correct them with judgment. Happy for us who know we have the remedy within our own power, when prudent attention to the general good will admit of the application. We are not to be taught by every ignorant quack what food is beſt ſuited to our conſtitutions; we are competent by long experience of increaſing health to judge for ourſelves. Let thoſe take, who would adminiſter the poiſoned draught; we ſhall ſoon diſcover the effect by their convulſed, diſtorted, and emaciated looks.

I have thus far endeavoured to ſhew that the cauſes of poverty are not imputable to the ſuperior vice, luxury, or extravagance of this age. I have next pointed out ſome of the moſt predominant cauſes of poverty, which has led me to prove, that if the poor continue in this ſituation, it is no fault in the conſtitution or government of the country; but, in general, their want of ſaving and induſtry.

Thus far we have treated of poverty as it concerns the individual. We ſhall now ſpeak

of it as it affects the public at large, and, after ſtating the conſequences of poverty, proceed to ſhew the importance which the prevention of it is to the nation.

CON-

CONSEQUENCES OF POVERTY.

THE conſequences of poverty are either the commiſſion of crimes, encumbrance to the public, or emigration. In either of which caſes, the community at large are eſſentially intereſted: for though the importance of a ſtate depends on its riches, no matter for the preſent where centered, its happineſs muſt proceed from equality.—Not that equality, which, as we have ſhewn, ſome viſionaries fancy would be the effect of an equal diviſion of property; nor that political equality, which republicans make the idle and ignorant believe, though the leaders themſelves know otherwiſe, will proceed from an extinction of all rank, and exiſt in elective rulers only; but in that, where a man feels a ſecurity of perſon and property, derivable from laws, which are made to operate towards him as they do on others; which enable him, by induſtry, to riſe above want, and to live independent of either public or private charity. Our minds become humbled by receiving charity; we have no longer that

ardour, that ſpring for exertion in youth, or dignity in age, which keeps us from the commiſſion of little actions. When a man is forced to thank, and as it were, to bend the knee for his daily bread, he feels like a ſlave, and is too apt to act the part of one; but he who is above want, though but a little, looks upon every fellow-ſubject as an equal.

Crimes of a minor kind uſually originate from poverty, or from that pecuniary diſability which leaves a perſon in want of thoſe things he thinks neceſſary for his happineſs, or abſolute exiſtence. I ſay, which he *thinks* neceſſary, for though his wants may be imaginary, he is not the leſs induced to commit crimes; he fancies them eſſentials, and the operation on his mind is the ſame as if they were ſo. It, therefore, becomes the duty of a wiſe government, to prevent that man from committing crimes, who is moved thereto by falſe notions of happineſs, or from neceſſity; —to prevent his being tempted, by falſe hopes, to quit his own for other countries;—and by gratifying him, who wiſhes, by induſtry, to extricate himſelf from his needy ſituation,

ORIGIN

ORIGIN OF CRIMES.

IF we inquire into the origin of crimes, from their very birth, we ſhall find, that they as frequently proceed from others as ourſelves; we ſhall ſee, that a perſon educated in the moſt exemplary manner by the parent, has received ill impreſſions from the ſervants, his play-mates, or the accidental reading of improper books; ſome, by their very parents, are initiated into vice from the cradle; overfondneſs, or example, encourage the daily exerciſe of paſſion, lying, tattling, and cruelty to animals; drunkenneſs comes in, at an advanced period, with leave to ſpend money without accounting for it. If perſons thus bred are ſuddenly left to their own inexperience, they will fall into difficulties, then commit crimes, in order to extricate themſelves, and thus glide into a dungeon. Paſſions of all kinds, carried to exceſs, by being ſubjected to no controul, lead to the commiſſion of crimes, which induſtry, and the reflection of a neceſſary ſubordination, in order to procure the encourage-

encouragement of others, would correct; but a fancied independence hurries on to diſſipation, and idle company ſerves to promote it. It is not eaſy to correct bad habits of any kind; much leſs thoſe, which, under ſuch circumſtances, are flattering to our paſſions. A perſon, who in his infancy has been frightened by ſtories of ſpectres and apparitions, though convinced of the folly, will find his imagination inventive, in extreme, to raiſe up monſters, in addition to thoſe furniſhed by others; he will, perhaps, urged by reaſon, experience, and the pain of the impreſſion, endeavour to get rid of the ſenſation; and thoſe who really exert themſelves, will effect it:* but if we find ſo much difficulty in removing, what, not only reaſon, but inclination, prompts us to accompliſh, how much more ſhall we experience, where we have the reaſon only to do right, and the more forcible inclination to do wrong. It is a pigmy contending with Hercules.

Such, however, who having eſtates to ſupport extravagance, and though wicked, avoid the commiſſion of crimes which are directly

* M. Helvetius, tom. iv. notes de p. 415.

injurious

injurious to the property and perſons of others, come not under the laſh of the laws; it is, therefore, the poor, and not the opulent, who will now become the objects of our attention. The former, when idle, are too apt to intrude on the induſtry of others; the latter, by want of induſtry, and even by their vices, contribute to ſupport them. We now come to particulars.

Thoſe temptations to evil, which are too thickly ſown throughout this kingdom, are cauſes of crimes. Unfortunately, ſome of them are intimately interwoven with the exigencies of the ſtate, and others are become, from immemorial cuſtom, and ancient tenure, the abſolute property of individuals.—The exigencies of government are, in ſome meaſure, relieved by the ſale of ſpirits, and lottery tickets; the evils of which are ſo numerous and obvious, and ſo much has been ſaid, and written, in vain, that the bare mention of them in this place is ſufficient. No one that has lived in the neighbourhood of a foreſt, but muſt have remarked the ill effects which an unfenced property has on the poorer ſort of people. Their ſavage manners and debauched morals, are a proof of this aſſertion. It is wonder-

wonderful, how much time they will loſe in ſtealing the wood, in hunting up a half-ſtarved hog, or cow, in the day; and in killing the game at night. Indeed, where there is much game, the crime of ſtealing and plundering anything elſe, is from infancy rendered perfectly familiar. It is impoſſible that a child can be continually exerciſed in an unlawful act, and ſee his parents ſo employed, without becoming ever after indelibly addicted to the commiſſion of whatever ſuits his immediate purpoſe. The ſame cauſes will produce the ſame effects in one country as in another; and, having long been accuſtomed, at intervals, to ſee the manners, and to hear the converſation of thoſe ſettlers in America, who inhabit the foot of the Allegany mountains, I have ſince been very much ſtruck with the ſimilarity of theſe, and the poorer claſs of inhabitants, in and about Epping Foreſt, although ſituated ſo near the metropolis. A human being, living in a ſavage ſtate, has few wants; and, in the warmer regions, thoſe wants are eaſily ſupplied;—on that account he poſſeſſes many virtues, which are unknown to him who is in a ſtate half-way between the Indian and thoſe who live in a perfectly civilized ſociety; for, with all that is moſt diſguſtful in the former,

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the wants of the latter make him more ſelfiſh and vindictive.

Smuggling, certainly a crime in itſelf, is alſo the mother of others. When a number of men get together, ready to commit an act that is contrary to the laws, and for which they are liable to be puniſhed, being in continual apprehenſion of detection, and reſolute to defend the property, in which they are intereſted, they are apt to fortify their courage by ſtrong liquors, and by herding together become rude and profligate in their manners; and addict themſelves to drinking, gambling, cruelty, and ſwearing; until, by degrees, like pirates, their lives being in continual danger, they acquire nearly the ſame diſpoſitions and brutiſh feelings. When a gang is broke up, thoſe who are not ſeamen, from long diſuſe of orderly labour, become wreckers; or adopt ſome other mode of life, which is but little more criminal than the former, and end their lives by the common hangman. — Smuggling, however, from a wiſe attention paid to it by our preſent miniſtry, is no longer that extenſive evil it was formerly.

There

There is alſo, in London eſpecially, a fountain, from which ſprings, either directly or indirectly, the greater part of thoſe robberies, that bid defiance to the continued exertions of our police; but being attended with a fancied advantage to the diſtreſſed, it is permitted to exiſt, notwithſtanding the numberleſs evils it occaſions. I ſhall readily be underſtood, to mean the pawnbroker's ſhops. Great reſtraints have been put upon them,* no doubt; but their exiſtence, in any ſhape, is ſo monſtrous an evil, that nothing leſs than extirpation can do juſtice to the public. There are great varieties of people, who lodge goods at theſe places; it will not be amiſs, in a general way, to enumerate ſome of them.—Every deſcription of the lower claſs, who are profligate, and are poſſeſſed of other people's property, for a ſhort period, in order to cleanſe, aſſort, or manufacture, have dealings with pawnbrokers. They will find a variety of excuſes, for not bringing the goods home at the uſual period. In all probability, the reaſon is, that they have been at theſe ſhops of abomination. They will then carry home a part, under pretence, that they have not been able to finiſh the reſt,

* 33 Geo. III. c. 53.

get

get ſome money in advance, and with it redeem the remainder. There are bad people, in every one's recollection, who have made uſe of theſe receptacles, as a temporary means of procuring liquor; ſome by pawning their own property, and ſome, that of others. At the beſt, it is a ready temptation to procraſtinate thoſe exertions, which would ſoon relieve their wants; but moſt of us know, from experience, that we too frequently put off a neceſſary effort till another time, provided we can ſupply the preſent want, even to a diſadvantage. Mr. Shandy's creaking hinge is known to every one;* and though one drop of oil would have ſaved Triſtram's father a diurnal mortification, the hinge was ſuffered to creak on, and occaſion more petulance than a matter of real conſequence. But theſe are trifling evils, which fall chiefly on the lazy, and thoſe who want economy; for it is not of much conſequence to me, whether my linen is brought home on Saturday night, or the middle of the next week, provided I do really get it at laſt: nor is it a public injury, if a drunken fellow of a huſband pawns his wife's and childrens' cloaths whilſt ſhe is out, induſtriouſly earning

* Life and Opinions of Triſtram Shandy.

ſomething

ſomething to make up for his profligacy. But it is of great conſequence, that a man, who robs me of my watch on the high-way, or has broken open my houſe, and ſtolen my linen and plate, ſhould have no place to convert thoſe articles into money. What is it to the public, whether there are one, two, or twenty honeſt pawnbrokers? a thief will only avoid them; and if there is one rogue in the trade, that one is ſure of the moſt cuſtom, and is certain, likewiſe, of the moſt profit, becauſe, it is probable, the goods will never be redeemed.

I once reſided in a conſiderable town in the Britiſh colonies,* where, from the peculiar circumſtances of the place, robberies were not frequent, for I have actually known two ſubſequent aſſizes without one criminal proſecution.—For the curſe of this place, a fellow ſat up as a pawnbroker, where there never had been one before; and as he ſeemed to thrive, another followed his example. The conſequences were ſoon ſo intolerable, that the whole community joined to hunt them down, for houſebreaking and pilfering became frequent; the

* Halifax, in Nova Scotia.

trials;

courts were almoſt wholly employed in criminal trials; at length the two gentlemen, themſelves made their appearance at the bar, and were puniſhed accordingly: the town, in courſe, returned to its former regularity.

It muſt be confeſſed, that there appears to be caſes where people labouring under temporary diſtreſs may experience a real advantage, from receiving a loan at a pawnbroker's ſhop; we will, for a moment, admit this caſe in its utmoſt latitude, ſtill it is very unfair that the reſt of the community, and more eſpecially the city of London, and other great towns, and the country for many miles round them, ſhould be ſubject to ſuffer ſo much as they do, in their perſons and property, for the ſake of the trifling conveniency which this nuiſance affords to a very ſmall proportion of the community at large; and where there are many arguments which will make it doubtful whether there ever did exiſt a ſingle inſtance, in which the party would not have been highly benefited by ſtruggling for relief in ſome other way; or, who by a prudent anticipation, might not have made proviſion for his preſent diſtreſs. In ſhort, whilſt government

think it neceſſary to continue ſome evils for the ſake of the revenue, it is but fair that thoſe ſhould be aboliſhed which contribute nothing.

PRE-

PREVENTION OF CRIMES.

IT is impoſſible to point out a univerſal remedy for crimes, becauſe, as it has been before obſerved, they in general proceed from an imperfect early education;* and beſides that the world has eſſentially differed on the principle, they deviate ſtill more in the practice of this requiſite. The moſt certain method at preſent is to apply the prevention to a more advanced period, which may be threefold—

Encouragement to do well,
Dread of doing ill, and
Affording employment to the induſtrious.

The legiſlators of the world have in general made uſe of the ſecond of theſe methods alone to prevent crimes, and the conſequence has been, that the laws themſelves are guilty of more crimes than the wretches they are meant to reform. If by a variety of means they incite the paſſions and the appetites; if at the

* M. Helvetius, tom. iii. and iv.

ſame time that they plant a tree with the faireſt fruit, they leave it as acceſſible to the touch as to the ſight, the robbery is much more imputable to the legiſlators than the culprit. But we are too apt in all our endeavours to apply a remedy to the *effect* inſtead of the *cauſe*; thus, if a man in want of bread becomes a thief, the laws hang him as an example to others; give him employment and you prevent the crime.

A joint offer of puniſhment and reward will operate in favour of each other, for when a man fears the former, it will induce him to endeavour with redoubled exertion to merit the other; if the latter ſhould fail, it is a ſure ſign that the former is but ill calculated for its end, and that its failure may be attributed to its nature, proportion, or uncertainty.

I remember before the American war it was the practice to ſend all the convicts from Great Britain and Ireland to that continent; and though the coloniſts would not ſuffer them to be landed as convicts, ſtill they were introduced as indented ſervants; the people were the ſame, no matter for the name. Yet though the annual exportation from hence was great, the inhabitants of that part of the Britiſh dominions,

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and in the country places eſpecially, lived in the moſt perfect ſecurity. This was not owing to want of opportunity, for throughout North America, except from New York to the northward, and then only near the ſea coaſt, the people lived very detached, and were obliged to travel a great deal. This ſecurity was occaſioned by two principal cauſes, plenty of employment and infallible detection. Their four years indentures were chiefly bought by the country people, in whoſe ſervice they generally found good food, cloathing, and plenty of work. Each, for his own ſake, kept his ſecret, and having none of his old companions to aſſociate with, ſoon loſt thoſe habits which in that country would have been uſeleſs; for in the ſouthern provinces eſpecially, any perſon of a ſuſpicious appearance, travelling without a paſs, was ſure to cauſe inquiries; and if his anſwers were not very well adapted to the queſtions aſked him, he was certain to be detained in priſon, and ſtayed there, until the whole neighbourhood was advertiſed of him.

This vigilance may not be quite ſo practicable in this country as it was there, but affording the means of employment—watching as

narrowly as poſſible—making proſecution eaſy —giving ample rewards for detection—ſtopping every known avenue of eſcape—and puniſhing infallibly both thieves, and eſpecially receivers, would go a great way towards it.

ENCOU-

ENCOURAGEMENT TO DO WELL.

ALL nations, of whoſe hiſtory we have any remains, have had amongſt them ſome men of ſuperior underſtanding and virtue, to whom they looked up for leſſons of morality; that is, for inſtructions in what manner each individual ſhould beſt act towards his neighbour; in order to receive a return of kindneſs; that by mutual ſacrifices of temper and property, the whole nation ſhould be as happy as the nature of humanity would admit. This anſwered very well in the firſt ages of ſociety, when the ſole object of each member was to do what was right, and all he wanted was to be taught the path. But in proceſs of time the object was reverſed; then, the ambition or reſentment of ſome, the avarice or prodigality of others, made it neceſſary to enforce, by laws and puniſhments, that ſyſtem which it was the real intereſts of the collective body only to preſerve, and of each individual to infringe upon. As riches increaſed, comforts and ſuperfluities

kept pace with them, which brought thoſe to poverty whoſe finances were incapable of ſupporting their idleneſs or extravagance. They then became a burthen on the generoſity, vanity, or ambition of the rich, and almoſt always continued in that ſituation, unleſs by running into debt, they became the ſlaves of their creditors; for ſlavery in former times was generally a cloſe attendant on a man's misfortunes, whether they originated from war or peace.* This ſituation of the poor, in general, deprived them of the *ability* of riſing ſuperior to their humbled ſtations, by that induſtry which now in this country, at leaſt, is within the power of every one who enjoys mental and corporeal health. Formerly they poſſeſſed no other means than by an attachment to ſome powerful man, who might place them in ſituations where they could oppreſs others and enrich themſelves. The aboliſhing of the feudal ſyſtem has ſomewhat improved this wretched policy; and if a man has but the moderation of temper to en-

* The modern nations of Europe have, in general, diſcovered the impolicy of making ſlaves of their fellow citizens, and of priſoners of war; and will ſhortly, no doubt, be aſhamed of that infamous traffic, which, whatever thoſe whoſe minds are wholly engroſſed in trade may think, is as injurious to the real intereſts of the planter as the merchant; and is, beſides, cruel, and altogether unjuſtifiable.

dure the partiality which is ſhewn to nobility, whilſt he has the induſtry to earn, and the frugality to lay by money, he will not now find ſo many impediments to independence as formerly. It is our happy lot to have gone before the reſt of the world in this reſpect, as in many others; and we may truly ſay, that ſhort of the throne there is no cuſtomary or legal diſability whatever to prevent the pooreſt of the people from riſing to the moſt enviable ſituation in ſociety. Nay, more, ſuch are the numberleſs voluntary gifts, and the immenſe taxes annually expended on the poor, that there requires ſome caution leſt this increaſing benevolence ſhould have a tendency to incourage intentional poverty and idleneſs.*

This moſt lenient branch of the prevention of crimes, will include

Education,
Societies and other Foundations,
Taxes, and
Regulating the Neceſſaries of Life.

* This would probably be the effect of the bill now depending in Parliament, were it to paſs into a law.—Vide the conclusion.

EDUCA-

EDUCATION.

BEFORE we enter on the ſubject of education, we will endeavour to remove one great obſtacle to the correction of bad cuſtoms. Uneducated people are too much inclined, from want of reflection, or rather from indolence of thought, to receive, without examination, an eſtabliſhed opinion as a truth, and thereby render their actions liable to be guided by falſe maxims, and their children in conſequence to be improperly educated. It gives them leſs trouble in the firſt inſtance, but the ultimate conſequences create difficulties often inſurmountable. Amongſt theſe errors there is none ſo generally injurious to the education of youth, as the opinion that our diſpoſitions and propenſities are born with us; that a particular quality, habit, or practice, is *natural* to us. A parent impreſſed with this idea, will never thoroughly exert himſelf to prevent or correct in infancy what is evidently wrong, becauſe he thinks the attempt would prove uſeleſs; nor can it be expected that thoſe to whoſe care the child

child is afterwards confided, will undertake a taſk which they are leſs intereſted to effect, and which has become more difficult from the length of time ſince that habit originated.

Nothing can properly be called *natural* which is not inſtinctive; that is, it is natural for a human being to walk by means of his feet; it is his nature to take hold of any thing he wants to eat with his hands, and to convey it to his mouth; but it is not our nature to do either *good* or *evil*.

Throughout the works of creation, we find the utmoſt general regularity, and the moſt uniform wiſdom. He muſt be blind, indeed, who does not ſee, and diſingenuous who does not confeſs, a deſign in every thing. There is not in all the infinite variety of animate or inanimate beings, which come within the extent of our obſervations, one ſingle object whoſe properties we have diſcovered that is not as excellent as it ought to be. Whenever we can compare its known qualities with the neceſſities of the being for whoſe uſe it is intended, this fact invariably becomes evident. But yet the Divine Being has hidden one half of the creation from that animated part of it which is in a ſtate

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of nature, that is, in a ſtate of inſtinct only, Brutes, therefore, never dig the earth for its minerals; thoſe of them which feed on fruits never dive into the waters, nor do thoſe which live in, or on the waters, ever climb the trees. The brute creation, in a ſtate of nature, is univerſally the ſame; in the ſeveral claſſes of each individual ſpecies, they continue invariably the ſame methods of defence, and of procuring food; each claſs continues to practiſe its own, and never adopts that of another; they never improve, they never change, they never *do either good or evil.* Vegetables, in a ſtate of nature, being created for animals in the ſame ſtate, always continue as they were formed. Advance another ſtep, and we ſhall ſee the human being, in his original condition, perfect to be ſure, but perfect only as an animal; and for that reaſon, making no other uſe of the profuſion which ſurrounds him, but barely to exiſt, becauſe every thing which is in a ſtate of nature is ſufficiently excellent for that purpoſe. In this ſituation the animal man is not even on a par with the animal brute. When he makes uſe of the reaſoning faculties, they raiſe him a degree higher; then, and not till then, other animals become ſubordinate for his uſe; and

the productions of the earth, by his cultivation, begin to improve.

We may therefore ſafely conclude, as the natural imperfect qualities of inanimate things are amply ſufficient for the brute creation in a ſtate of nature, and for man, in the ſame ſtate, it is to exerciſe the mental quality that alone makes it neceſſary, animate and inanimate beings ſhould poſſeſs in their nature a capability of improvement. It is for this end the tacit command of the Almighty, that nothing ſhould improve until moved thereto by the agency of the mental faculties, which his wiſdom has thought proper to implant in man alone. The mental power, which is a diſtinct and additional endowment, being thus beſtowed on the animal, in order to promote ſome deſign above the ſtate of nature, when in exerciſe, and not before, raiſes the poſſeſſor ſuperior to the brute. It being then evident, that a ſtate of nature, merely, is at beſt but a ſtate of inſtinct only; and every child, when juſt born, being in a ſtate of nature, it follows that the mental embrio at the moment the animal ſees the light, is juſt as much, but is no more a mind than the acorn is a tree; and the only eſſential difference between a brute and a child is, that the

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latter poſſeſſes another ſenſe, and is capable of intellectual improvement, of which the former is not. A man is therefore ſuperior to a horſe, and a horſe to an oak, for each riſing ſuperior in his creation, poſſeſſes one or more properties or ſenſes, of which the other is deficient.

There is that order in all the works of the creation, and at the ſame time ſuch economy, that we may ſafely draw inferences from analogy; and when we perceive all the brute animals in it feed and defend themſelves by the means which their Creator has in a peculiar manner aſſigned to each, we ſhould conclude that all his creatures in their formation have each been his ſingular care; and that if man confeſſedly the weakeſt of the creation in a ſtate of nature, by the exerciſe of his mental powers becomes the ſtrongeſt; that following the intentions of his Creator, by the means of what we have termed another ſenſe, he comes to know the difference between good and evil; this faculty deſigns him for ſome ſuperior end, which in this life, at leaſt, is demonſtratively pre-eminent.—His actions, when flowing from that ſenſe, are no longer a ſuperiority of inſtinctive cunning, of the claſs which nature has given to the fox, the dog, and other animals, but free

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and optional, progreſſive and improveable. In this it is that people confuſe themſelves by, endeavouring to draw a parallel between the reaſon, as they call it, in animals, and that of human beings; but in vain, for the difference is as much in its nature as in its degree. They, it muſt be confeſſed, as well as ourſelves, proceed from cauſes to effects, and learn by experience to avoid what is injurious to their ſafety; but we may trace all their actions to habit, ſelf-preſervation, fear, pleaſure, and the attainment of food. Almoſt all animals poſſeſs memory, and many have the ſenſes of ſmell and hearing ſo very perfect, as frequently to deceive us into a belief that they act from reaſon. It muſt, however, be admitted, that dogs, which of all the reſt of the brute creation have attached themſelves in a peculiar manner to us, appear to poſſeſs ſomething ſuperior to other brutes; but their moſt remarkable actions, and we muſt ſuppoſe that many are invented, which border on the marvellous, never go beyond the expreſſions and purſuits above enumerated.

Man enjoys not only a ſuperiority in every thing, except the bodily faculties of the brute creation, but he is ſuſceptible of mental pleaſure

ſure or pain, which he derives from the *neceſſity* of diſtinguiſhing between virtue and vice; either of which it is within his freedom to adopt, and the ſelection or practice of the one or the other do, of themſelves, neceſſarily and equitably beſtow on him the minuteſt gradation of that reward which he merits.—A good man will abſtain from the commiſſion of certain actions, becauſe, though beneficial to himſelf, they are injurious to others; from the ſame motive, he will exert himſelf for the advantage of his fellow-creature, though the reſult may be injurious and unpleaſant to him. In ſhort, his actions proceed from a ſenſe of what is right, without any reference to conſequences; and he never fails, by ſelf-approbation at leaſt, to enjoy the reward of his merit; to which is generally ſuperadded advantages in the reſult, which a crooked policy always tarniſhes, if not deprives him of. If this ſelection of what is right was more frequently practiſed by men of ſenſe, than by thoſe who are leſs quick of apprehenſion, we would, of courſe, attribute it to judgment and ſuperior underſtanding; but it is not ſo; for good men, as well as bad, are of all degrees of faculties. The conſcience, which is evidently placed in the human breaſt, as the alarm

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and guide to this diſtinction, is, therefore, very properly inſtinctive, or involuntary, and is the only inſtinctive property we poſſeſs. It is a faithful centinel, that never ſleeps, if we inſtruct him in his duty; and even if we do not, the coarſer features of morality, which are univerſal and uniform throughout the human race, will never permit us to wander far from that path, which will lead us to our real intereſt, provided we liſten to its dictates. In ſhort, it is evident to our own individual ſenſations, that our actions, in themſelves, are ſufficient to reward us with the brighteſt heaven or the moſt infernal torment; which proves that we reaſon from future conſequences, and not from the hope or fear of immediate effects. Hence it is evident that the mind of a human being, at the moment the body which it inhabits is produced to perfect exiſtence, is no more than a *carte blanche*, capable of good or evil impreſſions. It is, in truth, that ſtate of perfect mental freedom, without which there is neither virtue nor vice; for though the monitor within gives the alarm, it never ſways our actions.

I therefore conclude, that impreſſions, favourable to ſociety, are as eaſily made as thoſe

of a contrary tendency; and if man's chief happineſs, and the principal advantages which his community can derive from his fellowſhip, are to be acquired from the proportion of good which is infuſed into his mind,* there is no duty ſo great, there is no intereſt ſo important to the public, as the education of the poor; and thereby impreſſing them—1ſt, with thoſe habits in their infancy which, when they go into the world to work for a living, will, at leaſt, be favourable to that *ability* of riſing in ſociety, which will not only benefit themſelves, but enable them, in turn, to perform the ſame good office to others:—and, 2d, with thoſe ſentiments which alone can conſtitute the virtue of their lives: for moſt certain it is, that if intending to do right, we act what is wrong, that is not vice; and if, deſigning to act ill, we chance to do well, that is not virtue. It is therefore as neceſſary, in this preſent ſtate of ſociety, to teach children the diſtinctions between right and wrong, as between virtue and vice; the former vary with the circumſtances, but the latter are immutable. They ſhould be taught by their ſchool-maſters the practice of the one, and by the clergy a love

* M. Helvetius, tom. iii, ſ. 2, ch. 15, p. 209.—Ibid tom. iv, ſ. 10, ch. 1, p. 481.

for

for the other, in order, as has been moſt emphatically expreſſed, to become "as wiſe as ſerpents, and as harmleſs as doves." We will now ſpeak of education, as it regards the *ability* of arriving to that ſtate of ſociety which has before been termed *equality*, that is, *independence in pecuniary circumſtances*.

In this ſenſe, education is an improvement of nature, and nature may be termed the ſtock on which we engraft education. It is with us as with plants; there are ſome which in their original formation are better calculated than others to receive that improvement, but there are few of us who, though uſeleſs by nature, may not by art be brought to produce what, in ſome degree at leaſt, is beneficial to ourſelves and to ſociety. Were it in our power to refine perfectly on education, we would never apply a graft to a ſtock, until we had previouſly aſcertained that the one was adapted to the other; that is, we would never ſtrike out a plan for a young perſon's purſuits in life, until we had diſcovered that his genius and diſpoſition were ſuited to it. This will do in gardening, becauſe we know that the nature of the ſtock is uniform, and we judge with certainty of it from the ſpecies; in human

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man beings it varies, according to thoſe impreſſions which the firſt years of life, or infancy, have imbibed. We, therefore, can ſeldom diſcover the nature of the ſtock, until it is too late to apply the graft. The education of infancy is always entruſted to thoſe who, generally ſpeaking, are, either from prejudice or ignorance, the worſt calculated for that duty, I mean parents and ſervants; and this for two moſt eſſential, and, no doubt, indiſpenſable reaſons: affectionate preſervation of the object, and economy; for there can be no heſitation in deciding, that if all mankind had the ſame affections, it would be beſt to educate children, from their very birth, in a public ſeminary, and this obſervation neceſſarily follows, were that the caſe we ſhould require no education at all: and ſo it is in politics; the beſt government in theory is a pure elective republic, but then, it implies univerſal and unabating virtue, and love for each other and our country; under which perfection we want no government; for mankind, devoid of ambition, would never ſeek ſuperior command; free from prejudice, they would never beſtow it, and poſſeſſing the virtue to do right, they would never attempt what was wrong.

As

As our efforts towards a general improvement of our nature in the firſt age are vain, we muſt do our utmoſt in the ſecond, or what in general we denominate *childhood*, and in this we ought, except in particular inſtances, to ſuit the education we give to that ſtation in which we find the pupil. When we deviate from this rule, it ſhould never be but in the upper line of that claſs, or when the mind gives early indications of ſome peculiar bias: If from vanity or a blind attachment we exceed—if from avarice or neglect we fall ſhort, the riſk we run is equal, and is generally attended with fatal conſequences; by the former we elevate the mind beyond pecuniary circumſtances, by the latter we depreſs it, in a ſituation where the hands are above employment. Education of ſome kind is abſolutely neceſſary for the poor; without it they could never riſe in the preſent ſtate of ſociety, even under *our* government, beyond that ſphere in which they ſat out; with a proper education they have the ability, by gentle ſteps, which always afford the moſt permanent happineſs, to ſupply the vacancy left open to them by the profligate, whoſe anceſtors accumulated the riches they have ſquandered. This *ability* is the great excellency and ſupport of our politi-

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As our efforts towards a general improvement of our nature in the firſt age are vain, we muſt do our utmoſt in the ſecond, or what in general we denominate *childhood*, and in this we ought, except in particular inſtances, to ſuit the education we give to that ſtation in which we find the pupil. When we deviate from this rule, it ſhould never be but in the upper line of that claſs, or when the mind gives early indications of ſome peculiar bias: If from vanity or a blind attachment we exceed—if from avarice or neglect we fall ſhort, the riſk we run is equal, and is generally attended with fatal conſequences; by the former we elevate the mind beyond pecuniary circumſtances, by the latter we depreſs it, in a ſituation where the hands are above employment. Education of ſome kind is abſolutely neceſſary for the poor; without it they could never riſe in the preſent ſtate of ſociety, even under *our* government, beyond that ſphere in which they ſat out; with a proper education they have the ability, by gentle ſteps, which always afford the moſt permanent happineſs, to ſupply the vacancy left open to them by the profligate, whoſe anceſtors accumulated the riches they have ſquandered. This *ability* is the great excellency and ſupport of our politi-

cal ſyſtem; it is, and ought to be, the *ſole* aim of that liberty we ſo fairly boaſt of. Stimulated by it, we ſhould endure our preſent poverty with patience, and ſeeing no excluſive privilege in others to bar againſt our hopes, we ſhould redouble our efforts, and ſubmit to preſent diſappointments with the promiſe of future ſucceſs; perſeverance perhaps gives it to us; if ſo, we enjoy it agreeably to our fancy, in the moſt perfect ſecurity, and then we leave it to poſterity; if prudent they enjoy it as we did, if not they make room for others, as others did before for us. Our principal object, therefore, ſhould be, to render this legal *ability* as extenſive in practice as poſſible.*

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* Liberty is the power of doing, without lawful impediment, all which we (judging by the rules of truth and equity) would wiſh that "others ſhould do unto us." To decide fairly on this ſubject, we muſt diſcharge from our minds all that is ſelfiſh; and becauſe we ſee another in a ſtation that excites our envy, not wiſh to pull him down, in order to aſſume his place, but firſt examine the ſteps by which that ſtation was acquired, and then ſee whether the road, though open to him, is ſhut to us. When people arrive at pre-eminent pecuniary advantages, it muſt be by either ſuperior abilities, induſtry, good fortune, or villainy. The firſt is the gift of heaven, and may be improved by the ſecond, which is in the power of all; the third may happen to every one, and is, therefore, equal; and the fourth ought to be the envy of none, for it is rarely ſucceſsful, and always bears its own curſe along with it. Do we envy exalted rank? What is it?

The children of the poor may be claſſed into the following deſtinations:

1. Trades, or ſuch buſineſs as will find them employment for life.
2. Navigation.
3. Agriculture.
4. The hired ſervants employed in trades.
5. Servants employed in domeſtic work.
6. Thoſe manufactures which require only the temporary aid of children, who are afterwards ſent back to ſeek another mode of living.

In the 1ſt and 2d of theſe claſſes, nothing can be more evident than the neceſſity of a previous education; and when they get it, it is chiefly

a name which gives no ſolid advantage, but a title which one perſon out of twenty-ſeven thouſand eight hundred and ninety-two carries, to diſtinguiſh him as one of a corps, which the wiſdom of ages has thought the beſt calculated to guard the political and civil rights of the people, againſt the encroachments of that individual in whom they have lodged the power of protecting them againſt each other, and againſt their enemies. A body of men who, at the ſame time they render this eſſential benefit to the people, guard that individual from an intemperance, which never fails to inſpire the beſt-informed popular aſſembly that ever old Time ſaw collected together. And even this claſs, privileged in name only, is, and has been, as acceſſible to us, and by the ſame means, as it became ſo to one half of its preſent poſſeſſors.

by reſiding in towns; for traders are more ſenſible of the neceſſity of education than others. The charity and free-ſchools, eſtabliſhed chiefly by citizens, are of great advantage to them; and though they cannot include the whole, yet the moſt neceſſitous, if ſo inclined, generally receive the relief which their ſituations require. The other claſſes are the moſt numerous and moſt ignorant. Having no means of education at home, and being too widely diſperſed to take advantage of thoſe public eſtabliſhments which are already founded, their only profitable employments are gleaning in harveſt, or picking hops in thoſe few counties where they grow. Weeding grain is now very much diſuſed, the great improvements in agriculture having rendered the practice leſs frequent. The conſequence of this idleneſs often proves fatal to their morals as long as they live; for it is from ſeven to fourteen that the morals are formed, as it is from the birth to ſeven that attention is neceſſary to correct the temper. If there are no eſtabliſhed ſchools, ſomething muſt be paid from the earnings of the parents, and where they happen to be profligate, there is the leſs to ſpare for this purpoſe, and more need of it; for, inſtead of perfect idleneſs, which would only be a

negative

negative evil, they are employed in pulling the hedges to pieces, and in other pilfering, until they become perfectly indifferent to every moral duty. Thoſe of the 6th claſs are chiefly collected from pariſh workhouſes, and when they become too big for the profit of their employers, are ſent about from one place to another, to ſeek a living as they can. As this diſcharge is about the age of fourteen, provided in the interim they were taught to read and write, which with their cloaths and food is the leaſt which can be required of their employers, every encouragement ſhould be given to this new method of promoting our manufactures. It is one of thoſe plans which, if well regulated, would form the chief happineſs of the poor; but if neglected, and left ſolely to the diſcretion of intereſted individuals, avarice, that bane of human happineſs, will look with callous indifference to every preſent and future miſery in others.*

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* Nothing leſs than an act of parliament can put this moſt eſſential affair univerſally upon a proper footing. Many particulars are neceſſary to be provided for.

1ſt, The wholeſomneſs of the buildings in which they work and ſleep.

2d. Their cloathing, food, and cleanlineſs.

3d, Hours of relaxation and ſleep.

4th, Medical aſſiſtance.

5th,

The periods of ſeven and fourteen years, as diſtinguiſhed by *infancy* and *childhood*, appear to mark the two firſt ages of our lives very diſtinctly.

We ſhall find that the next ſeven, from fourteen to twenty-one, or what is called *youth*, is not leſs worthy of attention. During the period of childhood, the leſſons of temper learnt in infancy begin to be put in practice; and in this of youth, thoſe which originate in childhood, ſuch as the rudiments of literature and morality, together with a continued practice of the firſt, ought to conſtitute our immediate care. Thus a human being, as he advances in life, ſhould accumulate inſtruction. In the age of youth a foundation ſhould alſo be laid for religion, for at that time the underſtanding gradually becomes ſufficiently capacious to receive it; and after his arrival at twenty-one, or what the law conſiders as perfect manhood, he will be induced, when thoroughly initiated in the ways of the world,

5th. Teaching reading, writing, and arithmetic.

Unleſs theſe things are attended to, ſuch manufactures will prove the deſtruction of the people. The want of the four firſt will ruin their health, and impede their growth; the deficiency of the laſt will fix a conſiderable bar to their future advancement. Vide Appendix, No. I.

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to ſeek aſſiſtance from a ſource which young people generally neglect at firſt, but which diſappointed proſpects, breach of faith, and and frauds of various kinds, will finally convince them that it is a fund of conſolation againſt all the vexations that can beſet them. A man in misfortunes, who has never been impreſſed with the hopes of a future ſtate, feels a comfortleſs void in his own breaſt, which drives him to deſpair. Seeing that the world is indifferent to his ſufferings, he feels indignant at a treatment which, perhaps, he has not merited, and turns from it with a reſentful diſguſt; but when the firſt emotions are over, and he looks into himſelf, *then* it is he becomes deſperate. Cut off from every hope of relief, all the reſource he has left is, to quit a world which offers him nothing but the mortifying view of others happineſs, and his own, as he thinks, irretrievable misfortunes. If he poſſeſſed a proper ſenſe of religion, it would afford him ſpirit and reſolution to ſtruggle againſt misfortune, and to deſpiſe the contemptible and ſordid conduct of thoſe who, when his efforts are crowned with ſucceſs, will again receive him, with as much apparent friendſhip as if they had never quitted him. Religion, in every tranſaction of life, preſents

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to a good man but *one* ſentiment, which is, that, whatever be the event, he never muſt commit an act which is in itſelf wrong; even though the immediate benefit be great, and the tranſaction beyond the reach of diſcovery: for in the end, it will never fail to be its own puniſhment, here *and* hereafter. If there was no more in religion than the temporal advantage of ſuch a belief, the good that would reſult from a general acceptance, would become an object to promote it: for ſimple as it is, nothing could ſo much tend to eſtabliſh real honour and virtue; but united inſeparably with futurity, it receives a ten-fold brilliancy.

The writings of moraliſts have in general the fault of being too minute for common uſe. They ſpin ſo very fine, and endeavour to enforce ſuch numerous leſſons, that young minds get confuſed with the nice and multiplied diſtinctions. They are beſides frequently premature, and loſe their effect for want of being perfectly underſtood; they are ſo many excellent materials, which want order to form the arch, and a key to unite them. This key is truth; for a child, who from its cradle is taught, that ſpeaking truth, and acting under its influence, is ultimately the beſt po-

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licy, will never do otherwiſe. But the miſfortune is, that by the folly of thoſe who have the charge of children, the groſſeſt untruths are continually uttered, ſometimes to deter, at others to ſtimulate; they are more frequently puniſhed for acting ill, than for telling a falſehood in order to conceal it; whereas the former is tranſient, and perhaps the effect of misjudgment, but the latter ſoon becomes a rooted evil. Parents, and others, ſhould never even *inſinuate* falſhood; for the child will moſt aſſuredly detect the impoſture, and in future adopt that method, which has been taught him, to avoid an inconvenience, or acquire a benefit: and once ſucceſsful in practice, it will prove too durable to be eaſily eradicated. It is aſtoniſhing what vices and frauds proceed from falſhood. Hypocriſy is the practice of vice under the garb of virtue, and under that habit it will do more miſchief than a legion of ruffians. It holds forth benevolence and good-will to all mankind, in order to ruin their private peace, or to acquire property which appears at too great a diſtance, or is too ſecurely guarded to be procured by other means; it is a ſilent worm, that imperceptibly eats to the vitals before it is diſcovered. Could any one who had been from his infancy puniſhed for every falſhood, and

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even pardoned for a fault on telling the truth, ever become a hypocrite?—no, children are taught hypocriſy from the cradle. A man ſells a horſe, or any thing elſe, with a falſe character, his object is to gain an inſignificant benefit; but he puts his reputation with his family and the public at a riſk, and he loſes it infallibly, except among a community of ſharpers; and then the practice of deceit becomes uſeleſs. But a child ſhould always be taught, and be made to feel, that whatever be the immediate advantage of falſhood, it will never fail to be detected; and whenever that happened, though a month after, it ſhould be puniſhed as if it had juſt taken place. Thus tutored, if at an after period occaſions offer of acting in tempting opportunities, the original impreſſions will never fail to decide. The old adage, "that honeſty is the beſt policy," will induce him to forbear where conſcience points out the impropriety. In ſhort, it may with confidence be aſſerted, that no perſon ever became wicked without previouſly paving the road by falſhood and deceit.

To inculcate ſuch important leſſons is the duty of the clergy; as every thing which can promote religion and morality ſhould be. But unfortunately,

unfortunately, in this country they are not properly ſupported and diſciplined; and the conſequences are, that too much being required on one hand, and too little afforded on the other, the poor, whoſe ſober and orderly manners are of more importance than we are apt to imagine, are left to themſelves. As it is of real importance to know the truth, I will attempt an impartial inveſtigation of the faults on both ſides.

The public of any country is undoubtedly the ſovereign of it; and a tumultuous, imperious, and unreaſonable tyrant it is; capricious and revengeful in proſperity, and a diſunited gang of ſavage plunderers in adverſity. This, the experience of the world has taught us; and it is to correct ſuch inevitable conſequences, that all nations have, *ultimately*, ſelected one or more individuals from among them, to repreſent the whole community; and that ſelection is called the government. In this country, our's is compounded of every ſpecies that the ingenuity of man has been able to contrive. For this purpoſe we have a variety of officers, who have their ſeparate duties; for which they are accountable to others, in rotation, until the whole executive

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centers in one office, which is that of the king. His ſubordinate officers, branch out into a variety of directions, independent of each other, though ultimately accountable to the chief magiſtrate, the aſſembly of the nobles, and the people, by their repreſentatives. Among theſe officers are the clergy, who, from ancient eſtabliſhments, are of various degrees; the archbiſhops, and biſhops, having, under the king, the immediate *admiſſion* and *controul* of the whole body.

In former times, we know, that the ſuperſtition of an ignorant people ſuffered the clergy to aſſume an aſcendency over their minds, and thus enable them to procure emoluments to their offices, totally unfitted for their profeſſions; which were poverty, mortification, and humility: and, as theſe were really, if ſincere, too baſe and degrading for the human mind, ſo being hypocritical, they never exiſted, but in name; in their ſtead, they actually practiſed grandeur, ſenſuallity, gluttony, and pride: at length they ſtrained the bow too far, and in the reign of our turbulent Henry, it broke. Since that time, the clergy have been much nearer what they ought to be, for formerly they

had a hand in every miſchief, and now they do nothing.*

Morality is like the practice of ſurgery, reducible to an unequivocal ſyſtem, founded on undeniable truths; and, therefore, on ſurgery there ſeldom ariſes a diſpute; but religion is more comparable to medicine, whoſe practiſe is unſettled; better now than formerly, becauſe nearer connected with good ſenſe, and unfettered by that ridiculous jargon, which tended only to embarraſs and perplex. The more ſimple any thing is, the better; except where the object is to keep in trammels, and to ſubject the underſtanding to the intereſted views of deſigning jugglers. It is, therefore,

* Though a negative is not ſo irkſome as an affirmative ill, let it be remembered, that we now are, from ſuperior educations, more capable of diſtinguiſhing, leſs patient in ſuffering wrong, and, that ſenſible of the advantage we derived from reforming this body in times paſt, we may chance to take them in hand again; for it is one bleſſing of our conſtitution, that our ability is always equal to the neceſſity of exertion.—The time is not far off, perhaps, when the legiſlature, ſenſible of the advantage which ſociety might derive from the clergy, if they were placed on a proper footing, will call them into real action. The only obſtacle at preſent, is the danger of experiments in an affair of this importance; we know that this body has raiſed to itſelf a hoſt of enemies, who being enemies alſo to the conſtitution and government, would wiſh their total ſuppreſſion; it is, therefore, neceſſary to be cautious, but cautious I hope with reaſon.

ſurely a fair queſtion to aſk, what more is neceſſary on this ſubject, than to teach us our duty towards God, which is religion, and towards each other, which is morality, with a view of thereby meriting a future ſtate of happineſs?

Let us hunt through the whole wilderneſs of fanaticiſm, metaphyſics, and theology, ancient or modern, we can make no more of it. Whether theſe truths are handed down to us from one man, or from another; whether they were divulged by God, or by, or through the interceſſion of a man, or a part or emanation of God's ſpirit or ſubſtance,* may, if we doubt,

* "So vain and luxurious are the wits of men in finding "out many inventions, and ſhaping to themſelves forms "and *ideas* of religions, every one eſteeming his own the beſt, "and as much in love with his own imaginations, as *Narciſſus* "was with his ſhadow in the water, or *Deucalion* with his "own picture. Some reject ſcriptures,—others admit no "other writings but ſcriptures.—Some ſay the devils ſhall "be ſaved,—others that they ſhall be damned,—others "that there are no devils at all.—Some hold that it is "lawful to diſſemble in religion,—others the contrary.— "Some ſay that Antichriſt is come,—ſome ſay not;—others "that he is a particular man,—others that he is not a man, "but the devil;—and others, that by Antichriſt is meant "a ſucceſſion of men;—ſome will have him to be Nero,— "ſome Caligula,—ſome Mahomet,—ſome the Pope,— "ſome Luther,—ſome the Turk,—ſome of the tribe of "Dan; and ſo each man according to his fancy will make

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doubt, and have leiſure, furniſh matter for curioſity, but it is of no real ſervice, even to the moſt learned and inquiſitive; how then can it be of importance to the poor and ignorant, who are incapable of underſtanding the arguments, and much leſs of ſeeing the im-

" an Antichriſt.—Some only will obſerve the Lord's day,—
" ſome only the Sabbath,—ſome both,—and ſome neither.
" —Some will have all things in common,—ſome not.—
" Some will have Chriſt's body only in heaven,—ſome
" every where,—ſome in the bread,—others with the
" bread,—others about the bread,—others under the bread,
" —and others that Chriſt's body is the bread,—or the
" bread is his body.—And others again, that his body is
" transformed into his divinity:—ſome will have the
" Euchariſt adminiſtered in both kinds,—ſome in one,—
" ſome not at all.—Some will have Chriſt deſcend to
" Hell in reſpect of his ſoul,—ſome only in his power,—
" ſome in his divinity,—ſome not all:—ſome by Hell,
" underſtand the place of the damned,—ſome *Limbus*
" *Patrum*,—others the wrath of God,—others the grave.—
" Some will make Chriſt two perſons,—ſome give him
" but one nature and one will;—ſome affirming him to be
" only God,—ſome only man,—ſome made up of both,—
" ſome altogether deny him:—ſome will have his body
" come from Heaven,—ſome from the Virgin,—ſome
" from the elements.—Some will have our ſouls mortal,—
" ſome immortal,—ſome bring it into the body by infuſion,
" —ſome by traduction;—ſome will have the ſoul created
" before the world,—others ſeverally;—ſome will have
" them corporeal,—ſome of the ſubſtance of God,—ſome
" of the ſubſtance of the body.—So infinitely are men's
" conceits diſtracted with variety of opinions; whereas
" there is but one truth, which every man aims at, but
" few attain it; every man thinks he hath, and yet few
" enjoy it." *A View of all Religions in the World, by Alexander Roſs.* Fifth edition, 1675. Sect. viii. p. 239.

portance of the doctrine, if they did? In the mean time, in ſeeking after the ſhadow, we loſe the ſubſtance, and thoſe who pay their money fancy that what they part with, goes to enrich a ſet of people who give them nothing in return.

An office ſhould anſwer the end of its inſtitution, in particular when attended with great expenſe. Now as the employment of a clergyman ſhould be to inſtruct the people how beſt to do their duty towards God and man, the perſon to whom this truſt is confided ſhould reſide among them; he ought to be honeſt, decent, and ſober, at leaſt, for example's ſake; and if he added good temper, a ſound judgment in diſtinguiſhing characters, and a conciliating diſpoſition, in order to harmonize his pariſhioners,* the neceſſary character would be complete, provided his utterance was ſuch, as ſhould make the ſervice, and his ſermons, intelligible and inſtructive; for a perſon may read the ſervice in one manner, and a ſecond

* Whereas many of the parochial clergy for want of proper habitations are induced to reſide at a diſtance from their benefices, by which means the pariſhioners loſe the advantage of their inſtruction and hoſpitality, which were great objects in the original diſtribution of tythes and glebes for the endowment of churches. 17 Geo. III. c. 53.

perſon

perſon in another; the firſt will perfectly obſcure, and the other render the ſenſe as clear. It may be ſaid, that this is requiring a great deal; but it certainly is not more than the importance of the object, and the magnitude of the emoluments, ſhould command. The buſineſs which the Lord Chancellor and the Judges go through is greatly beyond it; their attendance on Parliament, the circuits, the terms, and the private conſultations, take up nearly every day in the year; but we never hear any complaint of the judges:—that is a convincing proof they do their duty, and a very important one it is; but not as much ſo as that of a clergyman.

The duty of a judge is to expound the laws to the juries, to give them advice, to regulate the proceedings of the courts, to enforce the duty of its officers, and patiently to hear the pleadings on both ſides; and having ſo done, with an attention that is neceſſary to make him maſter of the ſubject, to deliver an opinion to the jury, diſencumbered by ſophiſtry and chicane. But ſuppoſe him to be ignorant of the laws, unſteady and fluctuating in his advice and directions, and ſo wrathful, as continually to interrupt the pleaders; who, for a day, would

ſuffer ſuch a judge? and yet we ſee clergymen as deficient in every quality that is neceſſary for *their* office; for thoſe are at variance with all the pariſh, whoſe duty it is to conciliate their affections and accommodate their differences; ſtrangers to every one in it, except the moſt opulent, when it is their office to direct the morals of the poor and rich equally; and ignorant of the moſt eſſential part of the church ſervice, which is to read with energy what, from its ſuperior worth, merits the cadence of Demoſthenes, and the elocution of a Cicero. In this we certainly betray a moſt unjuſtifiable indifference, and the reaſon is, that our *property* is at ſtake in the firſt inſtance, and we will not ſuffer it to lay at the mercy of ignorance or knavery; but our *morals* and *religion*, to judge from our conduct, are, one would think, an inferior conſideration, objects much leſs worthy our care.—I will now endeavour to point out in what manner the clergy might become the greateſt bleſſing of the poor, and the community at large, by a conduct which ſome conſcientious and worthy characters among them actually practiſe; for the ſimple act of going to church and hearing the ſervice read is not ſufficient; it may produce a kind of decency whilſt they are there, but it certainly never acts ſo forcibly,

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by way of a perſuaſive againſt bad actions during the reſt of the week, as if the evils of the eſtabliſhment were fewer, and the advantages more numerous; for a ſolitary benefit, unleſs ſtriking, is not proportionably forcible; accompanied by another, it ſeems to multiply tenfold.—I will then point out the unreaſonable expectation of ſome in reſpect of this body, and by what means a remedy may be applied to the whole complaint, without any eſſential derangement to the preſent eſtabliſhment.

If the laws act by compulſion, it is becauſe the more lenient method of perſuaſion is ſuppoſed to have failed; but the real truth will appear on examination to be, that the dry letter of the law is the only eſſential means ever tried to prevail on the poor to act properly. No doubt, it has a great tendency to effect its purpoſe; but ſtill it is not equal to that bias towards rectitude which early attention to morals alone can give. It cannot be ſuppoſed that the clergy will or ought to take under their care the immediate ſuperintendance of children, unleſs they at the ſame time unite the office of ſchoolmaſter with that of paſtor; and then it would not anſwer its end; for the

object of the latter ſhould be to make themſelves as much beloved as poſſible, which it is not frequently the good fortune of the former to experience. A clergyman, on receiving his office, ſhould conſider himſelf as relinquiſhing all the ambition and vanity of life, for the more ſolid enjoyments of domeſtic and parochial retirement; and as the execution of his office in a proper manner implies, that the incumbent has received a previous ſuperior education, it is very reaſonable he ſhould be ſupported by means of an income which will at leaſt put him above feeling domeſtic diſtreſs, and the anxiety of thoſe who having more in view, make large ſacrifices of peace and comfort in order to attain a more diſtinguiſhed ſtation.—If, to benefit the public, a perſon accepts an office by which, from policy, he is prevented from riſing as high as others, it is reaſonable he ſhould be ſecured from falling below that ſituation of life which, to one who thinks and acts on reaſonable principles, includes every real comfort. The ſtation of a clergyman ſhould be equally free from contempt and envy; he ſhould have enough to make him reſpectable; and at the ſame time he is placed above the fear of poverty, he ſhould neither poſſeſs the means nor the inducements to attempt an

increaſe

increaſe of affluence. His mind, thus tranquil from moderate circumſtances, he would be able to give advice both by precept and example; which, connected, forcibly operate to make people better, but which, diſunited or diſcordant, only tend to make them draw compariſons little favourable to thoſe who afford it. How is it poſſible one can hear with patience a perſon preach morality who is notorious for a continued breach of it? Every word he utters being a ſatire on himſelf, our minds dwell more forcibly on the omiſſion which we find in him than on the importance of practiſing the duty ourſelves. But when numberleſs good offices and affectionate interferences have, in private, cauſed people to act right, then it is that the prayers and public lectures on Sundays have that influence on the mind which it was originally intended they ſhould have.

Prayers were never deſigned either to make people better, or to obtain a benefit, which it is ſuppoſed they ſtand in need of; but they ſhould be the fervent expreſſions of minds grateful for bleſſings received, and already impreſſed with a proper ſenſe of their duty; otherwiſe they become

become the importunate ſolicitations of diſcontented beings craving for more from an improvident Deity, who, acting by partial laws, requires to be reminded of our neceſſities. The ſervice of Sunday ſhould, therefore, be conſidered as no other than a public exerciſe of what has been privately inſtructed and practiſed during the week; and the ſermon an exhortation to a continuance of thoſe practices, and a recapitulation of their tendency hereafter. If, then, we adopt this public meeting as the ſole means of reforming the minds and manners, it is no wonder it ſhould fail of its aim. We might as reaſonably expect an able phyſician in one who had never done any thing but attend medical lectures.

As parents and ſchoolmaſters muſt neceſſarily have the tuition of infants and children, it becomes doubly requiſite that they themſelves ſhould know and practiſe their own duty, in order to teach it to thoſe who are under their care; that theſe laſt, when they arrive at the age of youth, ſhould be better able to receive that initiation to religion, which, it has before been ſaid, ſhould commence at this period.

From

From hence it appears of what importance the duty of a clergyman is when he conſcientiouſly puts it in practice; and how much good may reſult to the public at large, and the poor in particular, from a faithful diſcharge of it. If every man could be brought to be convinced that his intereſt is moſt intimately connected with truth, and a conſequent juſtneſs in his dealings, as it moſt certainly is, the world would be much better than at preſent; but the misfortune is, that there does not exiſt in our ſociety any ſyſtematical and practical profeſſorſhip in this branch, as there is in chymiſtry, anatomy, natural philoſophy, and mechanics. It is certain that our clergy may be conſidered as religious and moral profeſſors, but they teach the theory only without making the truth of that theory demonſtrable by practice.—Suppoſe a familiar inſtance: imagine a writing-maſter, *reading* a lecture on the advantages to be derived from ſkilful penmanſhip; let the language of this diſcourſe be moſt admirably calculated to the underſtandings of his auditors, let him deliver the utmoſt eloquence with the beſt manner of perſuaſion, and then diſmiſs his aſſembly, that each one may go home in order to execute what has been ſo ably recommended; is it probable that much

much good would reſult from all theſe pains? but ſuppoſe him to take paper, pens, and ink, and, after the lecture, ſet each pupil to put in practice the theory he has been taught; the reſult, I ſhould imagine, would be rather more efficient. A like conſequence would ariſe from practical morality. Two neighbours frequently create a quarrel by not thoroughly underſtanding each other's pretenſions, they will proceed to the utmoſt extent of hoſtility, and thus do each other irreparable injuries, until the trifle from which they originated is loſt in the diſpute. If there had been a peace-maker *in* the pariſh he would have had an excellent opportunity of ſhewing, by a leſſon of practical morality, the advantages that may ariſe from honeſty, candour, and good ſenſe, when employed to the benefit of others, and from diſintereſted motives.

When a young man is educated for the church, he begins by learning the Greek and Latin languages, and he is taught them with the ſame preciſeneſs as if he, in turn, was deſigned to teach them to others;* whereas the minutiæ of grammar

* "Suppoſons que l'étude de la langue Latine fût auſſi "utile que peut-être elle l'eſt peu, et qu'on voulût dans le

grammar ſhould not be the objects of his ſtudy; but that morality which is equally pure in the works of the Greek and Latin heathens, and in the fathers of the church; and that religion which is founded on the New Teſtament alone, as explained by the church to which the paſtor belongs. If he beſtows more time in the ſtudy of theſe languages than is neceſſary to make him read and underſtand them with fluency, his education is certainly very ill calculated for its end; and the event will prove that he has had no time to beſtow on other ſtudies which his profeſſion alſo makes neceſſary. A clergyman ſhould have ſome knowledge of the laws and cuſtoms of other countries as well as of his own; that, when occaſions offer, he may ſhew the conſtitution of his country to that advantage which it merits; and thereby render thoſe contented who erroneouſly think their ſituations more burthenſome and oppreſſive than falls to the common lot of human ſociety; and

" le moindre temps poſſible en graver tous les mots dans " la mémoire d'un enfant que faire? L'entourer d'hommes " qui ne parlent que Latin. Si le voyageur jetté par la " tempête ſur un iſle dont il ignore la langue, ne tarde " pas à la parler, c'eſt quil à le beſoin et la néceſſité pour " maître. Or qu'on mette l'enfant le plus près poſſible " de cette poſition; il ſaura plus de Latin en deux ans, " qu'il n'en apprendroit en dix dans les colleges."——— M. Helvetius, tom. iv. p. 596.

alſo

and alſo that his morality may go hand-in-hand with his legal obligations. He ſhould ſtudy oratory as a profeſſion, that his perſuaſion may *ſucceſsfully* operate to that object which is the ſole aim of the eſtabliſhment.

The loſs of time, and conſequent deficiency of knowledge which is eſſential to the profeſſion, are not the only evils attendant on a confined education; a narrow way of thinking is too often another conſequence; beſides, a total ignorance of the world, which is a branch of the ſame noxious plant. A perſon, thus unfortunately bred, ſees crimes in the moſt venial failings, or diſregards thoſe little circumſtances and ſmaller occurrences which more accurately diſplay a character than the premeditated actions and ſentiments intended for obſervation.* Pride and arrogance are other appendages; for ſuch an education formerly ſuppoſed a ſuperiority of learning, as all ſcientific books were then written in Latin, as a univerſal language. But that is no longer the caſe; there are few works of any conſequence written by the ancients but what are ably tranſlated, as well as thoſe in the ſame

* Lavater.

lan-

languages by the moderns; and much learning, of which the former were ignorant, belongs excluſively to us. The generality of thoſe who have received any education are no longer to be ſubdued by confident aſſertions brought forward by any one; and unleſs opinions will bear the teſt of good ſenſe and ſound reaſon they now have not that force they had formerly, It muſt, therefore, be confeſſed, that if a boy's education is to fit him for a profeſſion or a trade, it ſhould point directly to its object; and not by a ridiculous prejudice and circuitous road, waſte his time in the minute ſtudy of languages which will not afford him more information than can be acquired in his native tongue.* Were our lives even lengthened to an antediluvian extent, there could be little apology for throwing away 20 years out of 7 or 800; but to waſte ſo much out of threeſcore is an abſurd extravagance. I wiſh not to ſee baniſhed from the ſchools that critical knowledge which keeps up the purity of a language; this would be as wrong as it would be vain to render

* There cannot be a greater proof of this aſſertion than the neglect of our clergy in learning Hebrew: is not that language as neceſſary for a perfect knowledge of the Bible, as Greek is in order to underſtand the New Teſtament?

that purity univerſal. Can it, however, be ſupported by a general profeſſorſhip? or rather, is it not always in the hands of a few learned men who give the claſſical faſhion of the times? It was a received opinion of our greateſt writers, in the beginning of this century, that it would be better if our living language was reduced to a fixed ſtandard, by the eſtabliſhment of an academy which ſhould have the ſuperintendance, in order to guard it from thoſe impertinent *dentifrangencies* and affected turns of expreſſion, which are in general unneceſſary, inelegant, and obſcure. This falſe taſte, if it became univerſal, would really be a misfortune. Though we are in ſome danger of injuring our language from the neglect of teaching Engliſh grammatically, there can be none in learning the dead languages, as we do a living one; becauſe they are ſo unalterably fixed that no one would venture an innovation. Grammar is of itſelf a complex ſcience; it is, therefore, a very falſe œconomy of time to teach it to a boy in a foreign language, which is at the ſame inſtant an object of ſtudy. It is to oblige a perſon who has the full uſe of his hands to write with his feet;—a trial of ſkill, perhaps, but a very abſurd one.

A young

A young man who is to have a benefice by a preſentation which is in his family, or which he can command by means of his connexions, will think very differently in the courſe of his education, and act towards his pariſhioners in another manner when inducted, than if his promotion depended on his merit and ability to fill the ſtation. In the former inſtance it is his abſolute property, and by the certainty he acquires a ſelfiſhneſs which is perfectly hoſtile to the object of his appointment. In the latter, his hopes and his fears render him what he ought to be.

No young man is the better for that hereditary pecuniary independence which comes to him without induſtry or competition; but when the poſſeſſion is to be defended againſt thoſe who are intereſted to infringe upon his property, and he fancies himſelf the ſole guardian of an income whoſe increaſe or decreaſe depends on his own activity, no wonder he ſhould watch with jealouſy, and look with a ſcrupulous attention after every man from whom he is to receive his emoluments. The farmers, who are intereſted in parting with as little as poſſible, fancy that it is *they* who ſupport the church, and view the whole ſyſtem of

tithes as an exaction, and a diminution of that reward which is due to their induſtry. The conſequence is a perpetual ſcene of hoſtility, and the ſacred office thereby becomes a means of ſtrife inſtead of a band of union. This misfortune proceeds more from the laws than the parties intereſted; but it muſt be confeſſed that in this conteſt the clergy are in general leſs to blame than the farmers; the former muſt have a living, and there is no reaſon why they ſhould not receive the utmoſt of their dues; they muſt therefore watch it narrowly, for the others ſhew, by the whole tenor of their conduct, the neceſſity of it, and that they never would be ſatisfied whilſt the clergy retained any thing. The farmers in ſuppoſing that the tithes decreaſe their profits, are alſo miſtaken; for if they were wholly aboliſhed, and even nothing eſtabliſhed in their ſtead, one of theſe two conſequences would neceſſarily follow, either the rents would be higher, or the produce of their farms lower. It is the manner, therefore, in which the tithes are collected, and not the thing itſelf which is the evil.

To apply a remedy to theſe complicated evils, we muſt firſt look to the biſhops, who have the *admiſſion* of the clergy, and then to ſome

improvement in the *manner* of their *ſupport* and *promotion*. The two latter are very deficient, to be ſure; but with all the avarice of human beings, they are leſs evils than the former.

The clergy in general come from the middle ranks of life, and from that part of them which have leaſt riches; they may therefore, without much variation from the preſent eſtabliſhed rules of admiſſion, ſubmit to ſuch regulations as will make them more generally reſpected, and better calculated for their employments. For, were it neceſſary they ſhould be collected from the nobility and richer commoners, the remedy would be more difficult; but when a young man who has no property looks forward to promotion, he will more cheerfully ſubmit to ſuch regulations and reſtraints than if the caſe was reverſed. It is ſurely then the fault of the biſhop who ordains, if he admits a perſon whoſe morals are not exemplary, or whoſe education has not been calculated for his intended employment. It is to the defect of this attention alone, that we may attribute ſo many unworthy characters in our church. It is in vain to urge that they are mortals, and therefore fallible. Infallibility is not to be expected

even from any *ſingle* man, much leſs from a great body of *collected* individuals; but the deſign of their inſtitution requires they ſhould be the beſt of the community, both in education and in morals. If for this end they were inſtituted, for this only can they be paid; defective in this, they become officers to collect a revenue applicable only to their uſe.

The next object is a rigid ſuperintendence after admiſſion; and this alſo the preſent laws have placed in the hands of the biſhops, who are as much bound to perform the duty which they owe to the public as the inferior clergy. If theſe laſt were narrowly watched, and kept under a rigid diſcipline, the ſame good conſequences would enſue as already begin to appear from the late practices of courts in regard to attornies. It was nothing but the inattention of the ſuperior officers, who poſſeſſed the power of controul, which brought ſuch diſgrace on that profeſſion. It ſhould be a maxim of every inſtitution whatever, never to pardon a fault which is hoſtile to its principle. *Active* morality and benevolence are as neceſſary in a paſtor, as *valor* in a ſoldier; theſe are the *principles* of their ſeveral profeſſions. A profeſſion unattended

attended by its principle is a body without a ſoul.

The preſent method of ſupporting the great body of clergy, by means of tithes, is, as we have juſt ſeen, evidently defective, becauſe it creates hatred, contempt, and ill will, where there ought to ariſe love, reſpect, and harmony.*

The

* Theſe evils are faſt riſing to that degree of inveteracy, when the public, ſenſible of the neceſſity of a remedy, will, no doubt, to that end, inſiſt upon ſome experiment, and it will then be in vain for the clergy to oppoſe their influence. It would be much better policy for them now to come forward and propoſe ſome plan, with reciprocal advantages, which their intimacy with the ſubject may ſuggeſt. A reverend and very worthy character in Devonſhire, who has diſtinguiſhed himſelf in that county by ſeveral publications on the ſubject of tithes, in oppoſition to the tithe aſſociators in the weſt of England, has given the following fair and clear invitation:

"Now this object (abolition of tithes) may be right, or "it may be wrong, according to circumſtances. If it can "be obtained without injury or prejudice to the property "of any man or ſet of men, it then becomes a fair object of "diſcuſſion of treaty. And if any mode and compenſation can "be diſcovered, and a conſideration of adequate value to "the tithes can be ſettled on, and ſecured to the church "and clergy in lieu of them, ſo that the jarring intereſts of "the clergy and laity, in reſpect to tithes, may be there-"by conciliated, and every cauſe of jealouſy and animo-"ſity be removed. If your undertaking, gentlemen, be "founded on ſuch principles as theſe, with a view to ſo "good an end; and it be conducted alſo as to its manner, "with all that decency and decorum which is ſo juſtly due

The clergy, in collecting their tithes in kind, can certainly have no view except to procure the utmoſt nett value of the tenth part of the landed produce; if they have any other, it is foreign to their profeſſions. We muſt therefore ſuppoſe them to be actuated by ſuch a ſenſe of propriety, as to be deſirous of removing every impediment which does not directly militate againſt this their acknowledged right; for in a buſineſs of this importance, and where the object is general, there ſhould be no exceptions in the practice; but one principle ſhould operate in amendment of the preſent ſyſtem, as it did in making the original grant. Every partial cuſtom which has been introduced in the interval, ſhould be bought off in ſome inſtances and expunged in others, for if petty conſiderations are admitted as obſtacles to great deſigns, the general welfare can never be promoted. The beſt criterion by which to judge of the real value of tithes, is to examine the

" to ſuch a venerable and highly reſpectable order of men " as the clergy of England; theſe requiſites being com- " plied with, I ſhall, for one, heartily wiſh you ſucceſs " in your undertaking: but without them, this patrimony " of the church, this *ſacred* property of the clergy muſt " not be touched at all."—*A Letter on the Subject of Tithes and Tithe Aſſociators, by a Payer of Tithes, and Detector of Miſrepreſentation: publiſhed at Exeter by Trewman and Son, 1796, p.* 43.

proportion

proportion which at an average they bear to the rents. This is certainly the faireſt method, for it is a moſt natural ſuppoſition that every landlord gets as much rent from his tenant, as, all circumſtances conſidered, he can exact with prudence. No doubt there may be a few, and but very few exceptions to this rule; for though an old landlord ſhows an indulgence to all, or to ſome of his tenants, it ought to be conſidered as one of thoſe uncommon inſtances which is by no means likely to continue. It would be a great objection to this ſyſtem of compoſition, if extraordinary long leaſes were admitted on their own evidence; all, therefore, whoſe extent were more than twenty-one years, ſhould be put on the ſame footing as eſtates held by the landlord himſelf, and as tenants at will, having no leaſe which ſhould be rated agreeably to the average of the reſt of the pariſh, poſſeſſing leaſes for twenty-one years, or under. Thus, by taking the leaſes as the ground of aſſeſſment, neither the clergy nor farmers can poſſibly complain; for the latter, by taking a leaſe, have tacitly admitted the principle, and the former have the pecuniary intereſt of the landlords, as a proof that the latter are not under rated. The only difficulties, and thoſe can be but trifles, with ſuch as are verſed on the

ſubject, will be to fix on the fair percentage, and to guard againſt fraudulent leaſes. A farm is generally ſuppoſed to produce three rents; if this is an error, and it ſhall appear to be too much, or too little, it is no injury to the principle of calculation, but for the preſent we will ſuppoſe it to be a fair eſtimate; if then it leaſes for a 100*l.* per ann three rents would be 300*l.* and a tenth of 300*l.*, being 30*l.* the compoſition for that farm would be 30*l.* year. Some who are intereſted in favour of the preſent confuſion, will think this too little, and thoſe who have to pay the tithes, will probably object to it as too much; but as neither will be admitted the ſole judges on the occaſion of making a general compromiſe, an impartial committee may ſettle the moſt important articles without conſulting the prejudices of either farmers or clergy; the ſole inveſtigation of the ſubject will ſtart new ideas, and each party, as the buſineſs proceeds, will feel themſelves intereſted in ſpeaking the truth. If theſe propoſals are not acceptable, thoſe who are intereſted ſhould bring forward ſomething of their own, and that ſhortly, for the evils I have enumerated above, are ſo monſtrous as to require an immediate attention. I would add ſomething more on the ſubjects of admiſſion and controul, but

at

at preſent decency forbids; the bench of biſhops have the power, and it is earneſtly to be hoped they may ſhortly have the inclination to exert themſelves effectually on theſe two great points; it will come from them with an ill grace when it is the effect of compulſion. Were Parliament determined to reform the whole evil perfectly, they would annually vote a ſum of money to purchaſe all the clerical, parochial patronage in the kingdom; appoint a commiſſion to tranſact this buſineſs, and to receive the whole tithes agreeably to the above, or ſome ſimilar mode of collection; as the preſent incumbents die, give the new miniſters ſalaries, to be proportioned by ſome ſtandard, which ſhould be examined, and the ratio fixed on every ten years, by a committee of both Houſes of Parliament; regulate the proportion of miniſters by the number of inhabitants in each pariſh; limit thoſe who are admitted into orders by the deaths of the former year; oblige young miniſters to be curates ſeveral years before they become rectors; and admit of complaints, and try cauſes before a court competent to the purpoſe. We know that ſtrict diſcipline makes good ſoldiers, and why ſhould it not produce the ſame ſalutary effect on men of every profeſſion?

BENE-

BENEVOLENT SOCIETIES,

AND OTHER FOUNDATIONS.

IF theſe inſtitutions could prevent crimes, there would be none committed in England. It is wonderful what ſums of money are annually given in this kingdom to diſtreſſed objects, and to others who are in a conſiderable degree above want. It may with truth be ſaid, that there is ſcarce an accident that can befal a poor perſon, for which there is not ſome means of relief, ariſing from the charity of the opulent, which conſidering the immenſe weight of the poors' rates,* reflects the greateſt credit on our nation; but we are a people whoſe character is made up of contradictions, and much as there is room for cenſure, there is ſtill more to commend. The propriety, however, of this benevolence, muſt proceed from the number of objects that require it; and if our expenditure on the poor, in general, is greater than in other countries, which have leſs means of employing them, it muſt be occaſioned by miſmanagement; for I

	£.	s.	d.
* Nett poors' rate in 1776, - -	1,529,780	0	1
Ditto in 1785, - -	2,004,238	5	11
Increaſe in nine years - -	474,458	5	10

believe

believe it will be confeſſed, that there is not in Europe a more healthy climate. In this place I ſhall confine myſelf to a mention of benevolent and other ſimilar inſtitutions, in a general way, as they are not perfectly known to any one, with a view of giving a confined idea of what they conſiſt, for to enumerate all that belong to theſe united kingdoms only, would fill a volume. The poor are not ſufficiently grateful for what they owe to others, if they were, they would exert themſelves more than they do, to live independent of charity.

The following are ſome of the moſt conſiderable charities in London and Weſtminſter:

Guy's hoſpital.
St. Thomas's do.
Sr. George's do.
London do.
Middleſex do.
St. Bartholomew's do.
Weſtminſter infirmary.
French Proteſtant hoſpital.
General diſpenſary.
Weſtminſter general diſpenſary.
Public general diſpenſary.
Britiſh lying-in-hoſpital.

City

City of London lying-in-hoſpital.
Lying-in-charity at private habitations.
Lock hoſpital.
Sick and maimed merchant ſeamen.
Bethlem hoſpital.
St. Luke's do.
Small-pox do.
Foundling do.
Chriſt's do.
Charter houſe.
Bridewell hoſpital.
Marine ſociety.
Aſylum.
Magdalen.
Laudable ſociety for widows.
Humane ſociety for recovery of drowned perſons.
Society for encouragement of good ſervants.
Welſh charity.
Philanthropic ſociety, for the reform and employment of criminal poor children.

The following particulars will convey ſome idea of their extent and utility: 1786.*

* There is no material increaſe or decreaſe in theſe inſtitutions; one year therefore will ſerve the object we have in view, as well as another.

CHRIST's

CHRIST's HOSPITAL.

CHILDREN put out apprentice, nine of which being inſtructed in mathematics and navigation, were put apprentice to maſters of ſhips, out of the mathematical ſchool, founded by King Charles II. - - - 168
Children buried the laſt year - - 17
Now under the care of the hoſpital in London, and at Hertford, - 982
To be admitted on preſentations granted to this time, - - 199

1366

St. BARTHOLOMEW's HOSPITAL.

THERE have been admitted, cured, and diſcharged from this hoſpital during the laſt year, (1786) of poor wounded, maimed, and diſeaſed perſons, 3750 in patients, and 8123 out patients, many of whom have been relieved with money, clothes, and other neceſſaries,

to

to enable them to return to their ſeveral habitations,		11,873
Buried this year, after much charge in their illneſs,		316
Remain under cure,	In-patients,	425
	Out-patients	183
Total in one year		12,797

St. THOMAS's HOSPITAL.

THERE have been cured and diſcharged the laſt year, (1786)

In-patients,		2,758
Out-patients,		5,191
Many of whom have been relieved with money and neceſſaries, and ſent home.		
Buried, after much charge		210
Remain under cure,	In-patients,	431
	Out-patients,	220
Total in one year,		8,810

BRIDE-

BRIDEWELL HOSPITAL.

RECEIVED laſt year, vagrants and other indigent and miſerable people, many of whom have had phyſic and other relief, as their neceſſities required - - -	716
Maintained and brought up in divers arts and trades, - - - -	38
Total in one year, - - -	754

BETHLEM HOSPITAL.

ADMITTED laſt year, (1786) diſtracted men and women, - - -	228
Cured of their lunacy and diſcharged, ſeveral being relieved with clothes and money, - - - -	189
Buried, after much charge, -	14
Remaining under cure, - -	280
Total in one year - -	711

There are generally more than 270, excluſive of the above, who are ſupplied with phyſic and advice to prevent a return of their lunacy.

TO this liſt may be added the charity ſchools that belong to each pariſh, eſtimated at about ten thouſand boys and girls; the great number of alms houſes, private funds for the ſupport and aſſiſtance of blind people; private ſubſcriptions for *employing* limited numbers of poor girls, and the many thouſands that are annually given in rewards and relief, by the gentlemen of Lloyd's Coffee-houſe,* beſides the occaſional relief in times of ſcarcity, and accidents by fire.†

The premiums and bounties which are now given by the different ſcientific ſocieties, are chiefly without the reach of the poor, though they all indirectly affect them, by the employment they afford; but ſuch premiums as encourage good morals, and prevent crimes, are within their reach excluſively. Of this claſs the ſociety for the encouragement of good ſervants, and the philanthropic ſociety, are excellent inſtitutions, and ought to become univerſal.

* From January, 1793, to July, 1794, the charitable ſubſcriptions at Lloyd's were about 75,000*l.*

† The ſubſcription for the fire at Ratcliff, which happened in the ſummer of 1794, amounted to 17,180*l.* 19*s.* 7*d.* Com. Adv. Auguſt 24, 1794.

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The premiums given by the different county ſocieties for the encouragement of huſbandry and manufactures, do an infinity of good, but they are ſeldom offered under ſuch circumſtances as render them attainable by the poor. It would be a very excellent practice, if every ſeparate manufacturer gave, annually, a joint of meat, or ſome other trifle, to every workman who during the year had not failed a ſingle day to attend his work. That the farmers of a pariſh ſhould ſubſcribe five, ten, or fifteen pounds to that ſhepherd who had loſt the ſmalleſt number of ſheep, at an average, in five ſcore, throughout the year, having under his care not leſs than a certain number. That ſeamen ſhould receive bounties, according to the number of voyages performed in the ſame ſhip, as ſervants do from the ſociety mentioned above. The ſhip-owners of every port ſhould form ſocieties, for the examination of maſters mates, and boatſwains, to whom they ſhould grant certificates of ability, ſpecifying whether they are calculated for a general or a particular navigation; and a maſter who in time of war had behaved well in ſome remarkable action, ſhould be permitted to carry a diſtinguiſhing vane as long as he continued to be a commander. Progreſſive advancement in

the ſubordinate ſtations of public offices and private trade, is an excellent method of rewarding attention to duty, and is now ſucceſsfully practiſed at the Bank, and in ſome few other departments. In ſhort, the varieties in this line are endleſs, and they have this ſuperiority, that by encouraging exertion they prevent poverty; but donations to actual diſtreſs are only a temporary relief at the beſt, and often encourage it.

The benevolent inſtitutions in general point to the relief of the already afflicted. The Magdalen—the Foundling—Chriſt's Hoſpital —the Society for employing the diſtreſſed, and the children of convicts—the different charity and other free ſchools—and the Marine Society, ſeem, in ſome degree, to extend the views beyond the preſent, but not ſo perfectly as they might. If theſe, like the Society for the Encouragement of Good Servants, added to the excellent rules of their ſeveral inſtitutions ſome rewards to thoſe who, after a certain period, ſhould prove that they had profited by the bounty of their benefactors, it would greatly aſſiſt to continue thoſe in virtue who had been reclaimed from vice, or had been virtuouſly brought up. For inſtance, there

is a legacy veſted in the city of London, for the purpoſe of lending money at a low intereſt, for a certain time, to perſons who ſhall have been at leaſt a year in buſineſs. Suppoſe the Governors of Chriſt's and the Foundling hoſpitals, whoſe revenues are beyond their expenſes, were to appropriate a part of their funds for the uſes of thoſe who had been educated under their care, on giving the neceſſary ſecurities, it is eaſy to imagine the extenſive good effect it would produce, and at no expenſe to the inſtitutions, except the difference between the legal intereſt and what they might chuſe to aſk. In Philadelphia, before the revolution, there was a club of gentlemen who met once a week, apparently with no other view than to dine together, but whoſe real object was to report to each other the young people in their ſeveral neighbourhoods who had lately begun buſineſs; and every member of that club continued to forward them ſecretly by all the means in their power, until they were perfectly eſtabliſhed.* After this example

* This idea was a proof of a good head and an excellent heart, and founded a ſociety which, in its effects, became ſupreme in benevolence. It originated from the great Dr. Franklin, and continued during twenty years, and until the American war, a perfect ſecret. Dr. Franklin was one of the greateſt men of the age in which he lived,

ample each of theſe inſtitutions, at ſome fixed period in each year, ſhould make out printed liſts of the names of perſons who are the objects of their attention, and of their trades or profeſſions, and the number of years they have been in buſineſs, whether married or ſingle, number of children, and places of reſidence, and then let each member act at his diſcretion.

Benefit

yet his failings both as a politician and a man, do no credit to either his underſtanding or his ſenſibility, in public or private life. Unrivalled as he would have ſtood, though he had even poſſeſſed the advantages of ſuperior birth and education, his character receives a double luſtre by having riſen to ſuch elevation from the indigence of a common journeyman printer. Uuhappily, by his political zeal he embarked upon a ſea of domeſtic and public trouble, in both which he alſo launched an unfortunate world, who will one day be convinced by fatal experience of his errors. The ingenuity of the philoſopher when he could, by a previous and immediate experiment, prove the ſoundneſs of his theory, was incontrovertably deſerving the loudeſt and beſt thanks of ſociety; by an oppoſite conduct, when with falſe reaſoning and unfounded aſſertion he raſhly induced an unthinking people, who were ignorant of every thing but their own native circle, to execute a theory whoſe practice muſt hazard the welfare of millions, his memory deſerves, and will ultimately, receive the execrations of thoſe he has and will yet reduce to ruin. It was the vanity of ſhining in every thing, that firſt gave the Doctor a taſte for becoming an apoſtle, to teach a people who were certainly the moſt independent and the happieſt in the world, the way to become ſtill more perfectly happy than earthly perfection. He began his political mania ſo early as the year 1754, by forming his ſcheme for

Benefit ſocieties, as regulated by the act of the 33d Geo. III. ch. 54, are admirable inſtitutions, and thoſe, as well as tontines, ſhould meet with every encouragement; they ſerve the purpoſe of promoting induſtry and ſaving, but the legiſlature ſhould watch them narrowly; and whenever a fraud appears, apply a remedy.

for a general union of the colonies, to be directed by a preſident general, under the pretence of a more permanent defence againſt the Indians, which was diſtinguiſhed by the title of the Albany Plan of Union. The Congreſs which was afterwards formed in the year 1774, was evidently the offspring of the other, and they were both an anticipation of independence. The evident tendency of the former defeated its own purpoſe, and the folly of our then miniſtry furniſhed a popular pretence for the latter. In his phrenzy the Doctor deſignedly forgot the hiſtories of the Grecian republics; that of his mother country, except where it ſuited the purpoſes of perverſion, became a blank page. Thus, by the folly of being thought a univerſal genius, one man has attempted what the practice of the whole world, from its beginning, has proved to be impoſſible; and, by the credit of a well-founded character for philoſophy and domeſtic regulations, he has been able to light a fire, whoſe cruel ravages will probably ſearch into, and for a while deſtroy, in its turn, the happineſs of every nation under heaven.

TAXES.

AS the method of impoſing taxes, and the means of collecting them, may eſſentially benefit or injure the poor, I will take this opportunity of making ſome remarks on the ſubject.

I. Taxes affect the monied and landed intereſts differently, and proportionably different the mercantile and the funded property. A tax on commodities, if equitable, muſt be ſuch, that the perſon who pays it in the firſt inſtance ſhall have the power to impoſe it on the article he deals in, and which raiſing the price of that article, becomes a tax in the ſecond inſtance upon the conſumer, inſtead of the perſon who firſt pays it. If that perſon is alſo a dealer, or one who receives an income from any thing whatever, as lands, manufactures, ſhipping, &c. he raiſes his article until it produces him the ſame proportioned profit that he originally enjoyed. Thus almoſt every thing, by degrees, is affected by taxation, until

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it is ſo general that only two claſſes of perſons become the ultimate ſufferers; the one is he who has property in the funds, and the other who has a fixed ſalary for ſervices performed. The former of theſe can never be reimburſed, the other may, by the juſtice of his employers. By this it is evident that no ſet of perſons ultimately ſuffer by taxation, if fairly laid; except thoſe who cannot increaſe their income, for that being once fixed, they ſuffer in proportion as the neceſſaries of life increaſe in price. The landed intereſt endures an immediate but not a future burthen, becauſe thoſe leaſes which now exiſt muſt expire before the rents can riſe; but that riſe will, moſt certainly, come, and repay the poſſeſſors for all their burthens. Let no one, then, ſay that the funds are not taxed. But ſuppoſe the price of labour, and the materials which compoſe our export trade ſhould riſe ſo high, as to prevent foreigners from purchaſing them, there can be but one means of reducing them, for inferior manufacture is out of the queſtion, and that is by means of improved machinery.

II. Taxes do not always anſwer the ends propoſed, and ſometimes in doing this they become heavier than they were intended to be.

A tax does not anſwer its end when it is laid on an article that is in the immediate demand of government. Suppoſe Parliament, in the time of war, ſhould lay a tax on ſaltpetre, who would pay that tax?—government: then what benefit would accrue to the *ſtate* from it? But this is too groſs an inſtance, for the legiſlature would never impoſe ſuch a tax. Suppoſe, however, they laid a tax on any article with which the operations of war required government ſhould be ſupplied, the tax on that article would be impolitic, in the proportion in which the demand of government conſiſted; for though the demand of government is an extra one, and if it pays 1000*l.* with one hand, it has already received the ſame ſum in duties with the other, it ſtill is deficient by the amount of the expenſes.

III. A tax becomes more burthenſome to the public than it was deſigned to be, though ſome revenue accrues, when it is not ſo calculated as to prevent fractions in retailing. For inſtance, a tax is laid which will raiſe porter one farthing in the pot, at what rate will the alehouſe-keeper ſell a pint?—at that whole farthing advance, becauſe he cannot divide a farthing. Newſpapers were at four-pence, a

tax

tax was laid on paper, equal to half a farthing, and, in conſequence, moſt of the publiſhers availed themſelves of the opportunity, and they roſe to fourpence halfpenny, which was certainly unneceſſary, for one of the papers was at threepence halfpenny, and continued ſo, notwithſtanding the riſe of the others. How then could a remedy have been applied? By laying a tax on paper, as you pleaſe, but give the newſpaper a draw-back, equal to the tax, and put an additional ſtamp of one halfpenny on the paper; then the public would have paid the ſame as they do now, but they would have had the ſatisfaction of knowing, that the whole burthen was appropriated to the end propoſed, and not that three-fourths of what is now impoſed on the public goes to increaſe the profits of thoſe who have enough already. Beſides, this additional three-fourths might have prevented the neceſſity of another tax. The firſt object of a retailer is, to plead the tax as the cauſe of the riſe, and then to evade the payment.

IV. In impoſing taxes the legiſlature ſhould be cautious that they do not, directly or indirectly, affect the neceſſaries of life, or thoſe articles which are indiſpenſible to the poor,

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V. Thoſe articles ſhould be taxed which contribute to pleaſure, and what is uſually denominated luxury, in preference to others.

VI. It is better to tax an article which is perfect and fit for uſe, than the ſeparate articles of which it is compounded; for it is, in general, eaſier to collect, and you can better aſcertain the produce. It is therefore better to lay the whole tax on beer, than on malt and hops.

VII. When a tax is difficult and expenſive to collect, it becomes a ſure burthen on the public, and is, comparatively, but a ſmall addition to the revenue. A tax, therefore, on receipts, bonds, and notes, is a good one, becauſe ev holder is intereſted in promoting it; but th quiſition itſelf would never be certain o impoſt on lace or jewels.

VIII. Farming out a tax now and then for a few years together, taking care always to create a competition, is a good method; for you thereby aſcertain the utmoſt it will bring in,

in, and acquire experience at the coſt of others, and they no loſers, of which the hop duty is a proof.

IX. A tax on perſons wearing hair-powder is certainly a good tax in every reſpect but two; it increaſes the number of informers, and thereby injures the morals of thoſe whom it is the duty of government to reform; and 2dly, it is collected from the very perſon who is to pay it, and thereby becomes doubly grievous, by paying the money and knowing when he does it; for if a perſon buys an article, and pays the duty with the price, he perceives it leſs than if a tax-gatherer aſks for the exact ſum, and he appears to receive nothing in return.

X. Duties of impoſt, if too high in proportion to the bulk of the article, defeat their purpoſe; for in this reſpect two and two will not always make four. The duty on tea was once ſo high, as to riſk the loſs of the moſt profitable branch of the Eaſt India commerce, by operating as a bounty on ſmuggling. When that duty was lowered, it alſo brought down the price of teas, increaſed the public revenue, as well as the Eaſt India trade; and by transferring that trade from the Dutch and Imperialiſts

perialiſts to the Company, it finally annihilated ſmuggling in that article.

XI. A tax may be laid on the ſame article in two ſeveral ways, and be very different in its operation. For inſtance, ſalt, which was an eſſential in the herring fiſhery, was liable to a very heavy duty, and in order to encourage the trade a drawback was allowed on every barrel of herrings: but this did not anſwer the end, for the people who were employed in this moſt important branch of buſineſs, were too poor to advance the duty in addition to the price of the article: in the mean time the Dutch came on our coaſts for theſe fiſh, and were abſolutely our ſucceſsful rivals, in ſome meaſure, in conſequence. At length the fiſhermen were allowed to purchaſe the ſalt free of duty at firſt, and charged afterwards only for what they did not uſe, having previouſly given bonds for that purpoſe.

XII. An exciſe on cyder, or any thing elſe which muſt neceſſarily be manufactured in private families, is a bad tax on ſeveral accounts: 1ſt, It is irkſome, as being collected from the individual;—2d, It requires too many officers to ſuperintend it; being produced in ſmall quantities

quantities on each farm, no one can make a ſeparate buſineſs of it;—3d, It muſt be unproductive, not being an article of general conſumption, except in the few counties where apples are cultivated.

XIII. A tax is a good one when it is particularly applied to its own improvement, ſuch as that for mending roads.—1ſt, Thoſe are immediately benefited who contribute towards it.—2d, It may be made to operate as a ſumptuary law, without its ill effects.—3d, It may, if properly managed, be made a tax on vanity.—4th, The poor receive an immediate benefit, without contributing towards it.—5th, It affords a univerſal ſource of improvement.—And, 6th, It is one great means of facilitating a good and watchful police; for a country that has many bad roads is like a town full of narrow lanes, a harbour for thieves and vagabonds.

XIV. That would be a good tax whoſe object was to collect it from the affluent, with an *immediate* application to the neceſſities of thoſe who are poor. For example, a double turnpike duty on Sundays, to be given in ſmall ſums to thoſe who have more than a certain number of children, limited ſo as to exclude all

all except thoſe who work for wages, by the day or week, under a determinate ſum. This, or a ſimilar means, would convince the poor of the advantages they derive from the rich; an immenſe object in every government.

XV. A perſonal, or what is uſually denominated a poll tax, is the moſt obnoxious, becauſe it is uſually conſidered as perſonal, and alſo oppreſſive; but in theory it is the beſt, for many reaſons:—1ſt, It is the moſt eaſy to collect, and of courſe it would aboliſh exciſe laws.—2d, If made univerſal, inſtead of all other taxes, it would be leſs expenſive to collect, becauſe there would be fewer officers.—3d, The poor might be directly totally exempted, which in the preſent caſe they cannot be, notwithſtanding the pains uſed to effect it; for if others, ſo muſt they, pay a duty on leather, coals, ſmall beer, candles, and ſoap.—4th, It would not be eaſy to evade it.—5th, The public would know what they did pay, which at preſent they do not, for many a dealer makes a fortune by the myſtery of taxation. (See III.) Now there are, it is generally ſuppoſed, ten millions of inhabitants in this iſland; if we deduct the large proportion of ſeven millions for poor men, women, and children, and other children under ſixteen years,

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of age, to be conſidered as perſons who never purchaſe any dutiable article on their own accounts, and rate the other three millions at 6*l.* each at an average, which would probably come as low as 5*s.* and not reach higher than 200*l.* a head, it would produce eighteen millions of net revenue, which is rather more than the year before the war, (1793) when it amounted to 17,866,955*l.* 8*s.* 8*d.* One difficulty would be, to proportion it equally on property, for it ſhould not reſt ſolely on faculty, that is on rank, degree, profeſſion, trade, calling, or occupation. But it is impoſſible to carry ſuch a plan into execution—it cannot be—political conſiderations forbid it.

XVI. The moſt intolerable of all taxes was that on chriſtenings, and moſt miſerably off for reſources muſt the miniſter have been who projected it. It, literally, had every fault which a bad tax can poſſeſs:—1ſt, It was grievous on the poor, for it added an additional burthen, which it ſhould ever be the object of the miniſter to avoid.—2d, It did it at a time when, of all other, they more particularly ſtood in need of charity.—3d, It tempted them to omit a duty which is conſidered by Chriſtians, of moſt denominations, as an eſſential of religion.

ligion.—4th, It made the clergy collectors of the revenue, and thereby brought their ſacred office into contempt.—5th, It was an obvious tax, which came into continual recollection, as being paid by the perſon himſelf, which ſhould ever be avoided when poſſible; for that is the ſame as if a collector was ſtationed at a market, to raiſe contributions from thoſe who enter it. It would be leſs irkſome to lay the ſame tax on the proviſions; then the perſon ſelling them would add it to the price of meat, and it would not appear a protuberant feature. —6th, It was a tax on population.—7th, It was a tax on opinion, and therefore, in one ſenſe, it was partial, for the ceremony is thought uſeleſs by a Quaker or a Jew.—8th, Its very equality, taken in another light, rendered it partial, as it did not in its amount diſcriminate between the rich and the poor.—9th, It was unproductive, and therefore repealed.

ON REGULATING THE NECESSARIES OF LIFE.

WE have juſt ſhewn that it is the duty of the legiſlature to allow no more burthens to be laid on the people than, all circumſtances conſidered, are abſolutely neceſſary. Thus, when a duty is impoſed, they ſhould take care that the conſumer pays no more than the real amount of that duty, beſides a fair advance on it for the intereſt of money, riſk, &c.

But this is not ſufficient; another neceſſary attention in this line is, to prevent the accumulation of price, in conſequence of repeated purchaſes before the article arrives at the conſumer, that it may go through no more hands than are abſolutely neceſſary to bring it to market. Under this head we will define,

1ſt, Such articles as chiefly require, and will bear regulating.

A tax does not anſwer its end when it is laid on an article that is in the immediate demand of government. Suppoſe Parliament, in the time of war, ſhould lay a tax on ſaltpetre, who would pay that tax?—government: then what benefit would accrue to the *ſtate* from it? But this is too groſs an inſtance, for the legiſlature would never impoſe ſuch a tax. Suppoſe, however, they laid a tax on any article with which the operations of war required government ſhould be ſupplied, the tax on that article would be impolitic, in the proportion in which the demand of government conſiſted; for though the demand of government is an extra one, and if it pays 1000*l.* with one hand, it has already received the ſame ſum in duties with the other, it ſtill is deficient by the amount of the expenſes.

III. A tax becomes more burthenſome to the public than it was deſigned to be, though ſome revenue accrues, when it is not ſo calculated as to prevent fractions in retailing. For inſtance, a tax is laid which will raiſe porter one farthing in the pot, at what rate will the alehouſe-keeper ſell a pint?—at that whole farthing advance, becauſe he cannot divide a farthing. Newſpapers were at four-pence, a

tax

tax was laid on paper, equal to half a farthing, and, in conſequence, moſt of the publiſhers availed themſelves of the opportunity, and they roſe to fourpence halfpenny, which was certainly unneceſſary, for one of the papers was at threepence halfpenny, and continued ſo, notwithſtanding the riſe of the others. How then could a remedy have been applied? By laying a tax on paper, as you pleaſe, but give the newſpaper a draw-back, equal to the tax, and put an additional ſtamp of one halfpenny on the paper; then the public would have paid the ſame as they do now, but they would have had the ſatisfaction of knowing, that the whole burthen was appropriated to the end propoſed, and not that three-fourths of what is now impoſed on the public goes to increaſe the profits of thoſe who have enough already. Beſides, this additional three-fourths might have prevented the neceſſity of another tax. The firſt object of a retailer is, to plead the tax as the cauſe of the riſe, and then to evade the payment.

IV. In impoſing taxes the legiſlature ſhould be cautious that they do not, directly or indirectly, affect the neceſſaries of life, or thoſe articles which are indiſpenſible to the poor,

in food, clothing, fuel, and ſhelter, in order to take away any pretence for diſcontent. The bleſſings of a good government ſhould ſhine ſo refulgent, as to admit of no controverſy.

V. Thoſe articles ſhould be taxed which contribute to pleaſure, and what is uſually denominated luxury, in preference to others.

VI. It is better to tax an article which is perfect and fit for uſe, than the ſeparate articles of which it is compounded; for it is, in general, eaſier to collect, and you can better aſcertain the produce. It is therefore better to lay the whole tax on beer, than on malt and hops.

VII. When a tax is difficult and expenſive to collect, it becomes a ſure burthen on the public, and is, comparatively, but a ſmall addition to the revenue. A tax, therefore, on receipts, bonds, and notes, is a good one, becauſe every holder is intereſted in promoting it; but the acquiſition itſelf would never be certain of an impoſt on lace or jewels.

VIII. Farming out a tax now and then for a few years together, taking care always to create a competition, is a good method; for you thereby aſcertain the utmoſt it will bring in,

in, and acquire experience at the coſt of others, and they no loſers, of which the hop duty is a proof.

IX. A tax on perſons wearing hair-powder is certainly a good tax in every reſpect but two; it increaſes the number of informers, and thereby injures the morals of thoſe whom it is the duty of government to reform; and 2dly, it is collected from the very perſon who is to pay it, and thereby becomes doubly grievous, by paying the money and knowing when he does it; for if a perſon buys an article, and pays the duty with the price, he perceives it leſs than if a tax-gatherer aſks for the exact ſum, and he appears to receive nothing in return.

X. Duties of impoſt, if too high in proportion to the bulk of the article, defeat their purpoſe; for in this reſpect two and two will not always make four. The duty on tea was once ſo high, as to riſk the loſs of the moſt profitable branch of the Eaſt India commerce, by operating as a bounty on ſmuggling. When that duty was lowered, it alſo brought down the price of teas, increaſed the public revenue, as well as the Eaſt India trade; and by transferring that trade from the Dutch and Imperialiſts

perialiſts to the Company, it finally annihilated ſmuggling in that article.

XI. A tax may be laid on the ſame article in two ſeveral ways, and be very different in its operation. For inſtance, ſalt, which was an eſſential in the herring fiſhery, was liable to a very heavy duty, and in order to encourage the trade a drawback was allowed on every barrel of herrings: but this did not anſwer the end, for the people who were employed in this moſt important branch of buſineſs, were too poor to advance the duty in addition to the price of the article: in the mean time the Dutch came on our coaſts for theſe fiſh, and were abſolutely our ſucceſsful rivals, in ſome meaſure, in conſequence. At length the fiſhermen were allowed to purchaſe the ſalt free of duty at firſt, and charged afterwards only for what they did not uſe, having previouſly given bonds for that purpoſe.

XII. An exciſe on cyder, or any thing elſe which muſt neceſſarily be manufactured in private families, is a bad tax on ſeveral accounts: 1ſt, It is irkſome, as being collected from the individual;—2d, It requires too many officers to ſuperintend it; being produced in ſmall quantities

quantities on each farm, no one can make a ſeparate buſineſs of it;—3d, It muſt be unproductive, not being an article of general conſumption, except in the few counties where apples are cultivated.

XIII. A tax is a good one when it is particularly applied to its own improvement, ſuch as that for mending roads.—1ſt, Thoſe are immediately benefited who contribute towards it.—2d, It may be made to operate as a ſumptuary law, without its ill effects.—3d, It may, if properly managed, be made a tax on vanity.—4th, The poor receive an immediate benefit, without contributing towards it.—5th, It affords a univerſal ſource of improvement.—And, 6th, It is one great means of facilitating a good and watchful police; for a country that has many bad roads is like a town full of narrow lanes, a harbour for thieves and vagabonds.

XIV. That would be a good tax whoſe object was to collect it from the affluent, with an *immediate* application to the neceſſities of thoſe who are poor. For example, a double turnpike duty on Sundays, to be given in ſmall ſums to thoſe who have more than a certain number of children, limited ſo as to exclude all

all except thoſe who work for wages, by the day or week, under a determinate ſum. This, or a ſimilar means, would convince the poor of the advantages they derive from the rich; an immenſe object in every government.

XV. A perſonal, or what is uſually denominated a poll tax, is the moſt obnoxious, becauſe it is uſually conſidered as perſonal, and alſo oppreſſive; but in theory it is the beſt, for many reaſons:—1ſt, It is the moſt eaſy to collect, and of courſe it would aboliſh exciſe laws.—2d, If made univerſal, inſtead of all other taxes, it would be leſs expenſive to collect, becauſe there would be fewer officers.—3d, The poor might be directly totally exempted, which in the preſent caſe they cannot be, notwithſtanding the pains uſed to effect it; for if others, ſo muſt they, pay a duty on leather, coals, ſmall beer, candles, and ſoap.—4th, It would not be eaſy to evade it.—5th, The public would know what they did pay, which at preſent they do not, for many a dealer makes a fortune by the myſtery of taxation. (See III.) Now there are, it is generally ſuppoſed, ten millions of inhabitants in this iſland; if we deduct the large proportion of ſeven millions for poor men, women, and children, and other children under ſixteen years,

of

of age, to be conſidered as perſons who never purchaſe any dutiable article on their own accounts, and rate the other three millions at 6*l.* each at an average, which would probably come as low as 5*s.* and not reach higher than 200*l.* a head, it would produce eighteen millions of net revenue, which is rather more than the year before the war, (1793) when it amounted to 17,866,955*l.* 8*s.* 8*d.* One difficulty would be, to proportion it equally on property, for it ſhould not reſt ſolely on faculty, that is on rank, degree, profeſſion, trade, calling, or occupation. But it is impoſſible to carry ſuch a plan into execution—it cannot be—political conſiderations forbid it.

XVI. The moſt intolerable of all taxes was that on chriſtenings, and moſt miſerably off for reſources muſt the miniſter have been who projected it. It, literally, had every fault which a bad tax can poſſeſs:—1ſt, It was grievous on the poor, for it added an additional burthen, which it ſhould ever be the object of the miniſter to avoid.—2d, It did it at a time when, of all other, they more particularly ſtood in need of charity.—3d, It tempted them to omit a duty which is conſidered by Chriſtians, of moſt denominations, as an eſſential of religion.

ligion.—4th, It made the clergy collectors of the revenue, and thereby brought their ſacred office into contempt.—5th, It was an obvious tax, which came into continual recollection, as being paid by the perſon himſelf, which ſhould ever be avoided when poſſible; for that is the ſame as if a collector was ſtationed at a market, to raiſe contributions from thoſe who enter it. It would be leſs irkſome to lay the ſame tax on the proviſions; then the perſon ſelling them would add it to the price of meat, and it would not appear a protuberant feature. —6th, It was a tax on population.—7th, It was a tax on opinion, and therefore, in one ſenſe, it was partial, for the ceremony is thought uſeleſs by a Quaker or a Jew.—8th, Its very equality, taken in another light, rendered it partial, as it did not in its amount diſcriminate between the rich and the poor.—9th, It was unproductive, and therefore repealed.

ON REGULATING THE NECESSARIES OF LIFE.

WE have juſt ſhewn that it is the duty of the legiſlature to allow no more burthens to be laid on the people than, all circumſtances conſidered, are abſolutely neceſſary. Thus, when a duty is impoſed, they ſhould take care that the conſumer pays no more than the real amount of that duty, beſides a fair advance on it for the intereſt of money, riſk, &c.

But this is not ſufficient; another neceſſary attention in this line is, to prevent the accumulation of price, in conſequence of repeated purchaſes before the article arrives at the conſumer, that it may go through no more hands than are abſolutely neceſſary to bring it to market. Under this head we will define,

1ſt, Such articles as chiefly require, and will bear regulating.

2d, The impoſitions which, though great, are almoſt too ſecret for detection, but may be eaſily removed by

3d, Some additional nervous regulations; for, to ſpeak mechanically, the power to reſtrain ſhould increaſe, as does the effort to reſiſt.

Importations from foreign countries are chiefly, if not entirely, what may be denominated articles of luxury. They are beſides of uncertain produce, and thus the imports being ſometimes more than at others, thoſe articles ſeldom increaſe in price, though they ſhould go through twenty hands inſtead of one, the fear of a glut operating to keep them down; and being in themſelves luxuries, the injury done to the community is not ſo great as to juſtify a powerful reſtraint, which is certainly commendable in an article of real neceſſity. Thus, ſuppoſe a monopoly of port wine, few people would regard the evil equal to a want of meat or coals.

Foreign commodities, therefore, do not come within the neceſſity or policy of a regulation. Articles, the growth and manufacture of our own country, are more neceſſary to life, more

generally in uſe, and more eaſily regulated. We can watch them from their origin; we can judge better of the precautions neceſſary to encourage in one ſtage, and to check in another; and we can more ſurely determine the number of hands neceſſary to bring to perfection.

We will paſs over all articles except thoſe which immediately affect the poor, ſuch as

Coals,
Meat,
Bread, (to which as a ſubſtitute) we will add
Potatoes,
Soap, and Candles.

The article which neceſſarily paſſes through many hands before it is brought to perfection, can with leſs eaſe be regulated than another. It is the ſame with ſuch whoſe manufactures depend on a ſecret proceſs, and are in the hands of a few; but thoſe enumerated above are ſimple in themſelves, and require no more than the hand of the legiſlature, to enable the conſumer to receive them as cheap as the nature of them will admit, by paſſing through the medium of as few hands as poſſible. To evince this the article of fiſh need only be mentioned, to thoſe who remember the price, and the

ſcanty ſupply, before the paſſing of the act in the year 1760, and which requires only a peruſal, to aſtoniſh ſuch as are unacquainted with the tricks practiſed by thoſe who have the management of the moſt neceſſary articles of life.

There can be but three claſſes of people through whoſe hands theſe articles ſhould paſs:
1ſt, Thoſe who originate them.
2d, Middle-men, or thoſe who convey them to market.
3d, Ultimate venders, or thoſe who ſell them to the conſumer.

It is not of the firſt of theſe that the public have any reaſon to complain; for when coals are dug and raiſed to the pit's mouth—when grain is got into the barn and threſhed—and when cattle are bred and fatted, theſe are all done with the utmoſt economy; and when the price of labour and rent are conſidered, they will be found to have been ſold as cheap as it is poſſible. It may be ſaid that the farmer is an exception to this diviſion, and that he acts both as an original and as a middle man; but, on examination, it will appear otherwiſe, for it is now the univerſal practice to ſell by ſample; and if, in conſequence of a ſale, he carries the grain

grain to the purchaſer's ſtorehouſe, he is, in that reſpect, no more than a carrier hired by the purchaſer; for whether he ſells it by a ſample, which he ſhows at a market, or at his own barn, it is in truth the ſame thing.

In coals, thoſe who bring them from the pits mouth, and convey them to the place of conſumption, muſt be conſidered as the middle men. In grain, thoſe who have the poſſeſſion, between the farmers and the ultimate venders; and in cattle, the drovers only ſhould be conſidered as the middle men or conveyers. Having thus defined our terms, we will proceed to conſider the article of

Coals, and we ſhall find, if we take the trouble to examine, that however neceſſary it may be to employ waggons, barges, and ſhips, there is no reaſon whatever why they ſhould change their owners between the pit and the ultimate venders, for one owner can pay the neceſſary charges of conveyance as well as twenty; in order, therefore, to reduce matters to a certainty, coals changing owners between the pit and the utimate vender, ſhould be liable to forfeiture, and the coals, or their value, recoverable by any one who ſhall ſue for the ſame.

One weight and one meaſure ſhould be invariable in coals, as in grain; the want of this regulation is a great means of confuſing the ſubject, and that art it is, which gives the preeminence to every juggler. The prices of conveyance, inſurance, &c. ſhould be regularly publiſhed. The middleman for taking, and the ultimate vender for paying more than a certain reaſonable percentage on the charges of conveyance, ſhould be ſubject to a heavy fine. The ultimate vender ought to be allowed thoſe charges that do not depend on diſtance; thoſe that do, ſhould be as regularly defined as the fares of hackney coaches, that is, by the mile; then the merchant or ultimate vender ſhould, at the foot of the bill of parcels, add a certain percentage, and the magiſtrates ſhould, on every change, publiſh the price to be given for every claſs of coals. Thus a coal merchant's bill would conſiſt of four articles—1ſt. Price of the coals—2d. Percentage on them—3d. So much per mile—4th. Shooting by the diſtance. Coals, ſold by the peck, muſt of neceſſity be higher than by the chaldron, on account of the trouble and the waſte in meaſure; and as this is a misfortune which cannot be totally prevented, it is proper it ſhould be alleviated as much as poſſible. Petty ſhops of all kinds are a great drawback

on

on the induſtry of the poor; for in them they are cheated in weight, meaſure, quality, and price. It is therefore a matter of conſequence, in this article of coals, to put them under ſome reſtraint. No one ſhould be allowed to keep a coal ſhed, who is not a merchant, or who will not give ſecurity that he will not purchaſe, except from the veſſel, or the pit; and his percentage ſhould increaſe only ſo far as will make up the waſtage and extra-trouble on ſuch retail trade. Pariſhes would do well to lay in coals at their own coſt, and ſell them in ſmall quantities, at ſuch a price as would ſave the expenſes only.

Cattle, calves, ſheep, lambs, and hogs, in their lean ſtate, muſt neceſſarily frequently change owners, and therefore the fatting grazier ſhould be conſidered as the original poſſeſſor. No more than one perſon ſhould be allowed to purchaſe between the grazier and the retail butcher. Carcaſe butchers are evidently unneceſſary; for if a beaſt is too much for one butcher's ſale, he can very eaſily join with another. Every beaſt brought to market ſhould be diſtinguiſhed by ſome indelible mark or other; and if brought a ſecond time, it ſhould pay ſuch a ſum as would tend to diſcourage that prac-

tice. All cattle brought to market after a certain hour, ſhould pay double; brought before another earlier hour ſhould be free. This would prevent the practice of feeding the market. One market is not enough in a large town, two would create a competition. The different pieces in which each creature is uſually cut up, ſhould be claſſed as prime, ſecond, coarſe, and offal, and be regulated by the price of the carcaſe; and, conſidering the offal, the hide, and fat, as the butcher's profit, and which are uſually denominated the fifth quarter; the reſt ought to make up, one with another, what the whole beaſt actually coſts. If that, on a thorough inveſtigation, is found not to be ſufficient to ſupport a family as a butcher's ſhould live, ſomething more ſhould be added, but at any rate the price ought to be defined. There appears, however, to be one objection to this laſt propoſal, which is, that all meat is not of an equal quality, and its price ſhould bear a proportion to the pains which have been taken with it. This ſeems to leave a diſcretion with the butcher; certainly he ought to have that diſcretion, until a fixed hour of the day; that thoſe who chuſe to give a greater price for a fancied excellence ſhould do it; but let the poor and middling ranks of people have that which is

really

really good, at the cheapeſt poſſible rate. The exiſting laws, and the graziers intereſt, are ſufficient to prevent the introduction of unwholeſome meat.

Grain is an article of the greateſt importance, and requires more inveſtigation than I am able to give it. I ſhould however ſuppoſe that wheat is the ſpecies that at preſent calls loudeſt for the attention of the legiſlature. The farmer is the original poſſeſſor, and one other perſon is ſufficient to convey it to the ultimate vender. If it is of ſo low a price as to admit of exportation, the exporter ſhould be allowed to ſtand for the ultimate vender. No farmer ſhould be allowed to buy any grain or meal to ſell again. A middle man, when flour is at a certain high price, ſhould be obliged to ſell a proportion of ſtandard flour, or that from which the coarſe bran only is taken, if ordered by the magiſtrates. No miller ſhould be allowed to be a middle man, except when the flour is under a certain price; for the public ſhould have ſome one in the trade intereſted in keeping it down. Whenever flour is at a certain price, a power ſhould be veſted in government to order, under pain of forfeiture of the article, or its value, that every farmer, middle man, and exporter, ſhould

ſhould make a return to the magiſtrates of each county, or to government, of the quantity of grain, flour, and meal, of each ſpecies, in their poſſeſſion; and if it is exceſſive high, they ſhould be obliged to have the wheat ground, and to ſell it of ſuch qualities, and in ſuch mixtures and way, as they ſhall be ordered by them. Whenever exportation is ſtopped, an exporter, if a merchant, as a middle man, ſhould be allowed to ſell the quantity he has on hand to any one he pleaſes; and no more; unleſs he ſhips coaſtways, and then he ſhould give bond for its delivery at the port to which it is conſigned; accidents at ſea and the enemy excepted. In time of war, if a perſon ſhould ſhip grain coaſtways, and chuſe to ſail without convoy, it ought to be preſumed that he has ſome improper deſign, and all the policies of inſurance ſhould be void. Such meaſures as theſe would be ſtrong, and could be juſtified only by the infamous conduct of thoſe who are at all times on the watch to evade the laws, when a profit is in view. A general high price can never exiſt, but from a real ſcarcity, and that is occaſioned only by ſhort crops, or too extenſive exportations.

At an average, ſeven pounds of firſt flour will make nine pounds of fine bread; but ſeven pounds of what is termed houſehold, or ſeven pounds of ſtandard, will not make more than eight pounds and a half of bread. The price ſhould therefore be ſuch, as to enable the baker to receive the ſame profit on one loaf as on another. If this is attended to, the bakers will have no objection to make any kind of bread they can ſell; but if this is not done, it cannot be expected we ſhould have any bread but that which they make the moſt profit by; for the price of a pound of flour, fractions excepted, is always that of a pound of bread, and the increaſe in weight is the baker's profit. The following manufacturers make uſe of wheat or flour, ſtarch--hair powder and trunk-makers—diſtillers--bookbinders—paper-hangers--paſte-board makers—upholſterers, and they certainly conſume too large a portion of this neceſſary of life. Whenever, therefore, wheat arrives to a certain price, the uſe of it in theſe branches ſhould ceaſe of courſe; the conſequence would be, that every means would be put in practice to find a ſubſtitute, and, if ſucceſsful, would be of great *immediate* advantage to the community, by throwing that wheat, which would

otherwiſe be taken for ſuch purpoſes, into the general maſs which is conſumed for food. A doubt may, however, be entertained whether ſuch invention would *ultimately* tend to create a public benefit; thus much is certain, the farmer will always ſow that grain, which, taking the quantity of manure, and other circumſtances into conſideration, will produce moſt profit. If then, in conſequence of a leſs demand, the price ſhould fall, he will do his utmoſt to procure ſome other crop that will yield him more. In ſhort, in proportion as we deſtroy *unfair* monopolies, every thing connected with traffic will find its level. The great difficulty is, to diſtinguiſh the true from the falſe in trade; a miſtake is eaſily made by a ſanguine mind.

Potatoes, as a ſubſtitute for bread, are a moſt eſſential article; for if well managed, they will keep down the prices of grain. I find, on examining the report of the committee of the board of agriculture, that 500 buſhels may be eſtimated an average crop, eſpecially near London; and 70*lb.* an average weight, which, at one ſhilling a buſhel, is 25*l.* an acre. An average crop of wheat is twenty-five buſhels to an acre, average weight 60*lb.* average price

7*s.*

7*s*. 6*d*. a buſhel, which is 9*l*. 7*s*. 6*d*. an acre; and, except potatoes, wheat is as good an increaſe as a farmer can have, where his land is of a kind that will ſuit a courſe of arable crops. An acre of potatoes, at *ſeven* pence a buſhel, and an acre of wheat, whoſe produce is thirty-nine buſhels (a moſt uncommon crop) at 7*s*. 6*d*. are equal. If a buſhel of potatoes will yield three pounds of flour only, an acre of them is juſt equal in weight to an averaged acre of wheat, without any deduction for bran. It is therefore intolerable, that there is no getting a pound of potatoes, even in the fall of the year, when there is no excuſe on account of the great ſtorage which potatoes take, under a halfpenny, for the worſt ſort, which is 2*s*. 11*d*. a buſhel; and if the beſt ſort is wanted, we muſt pay 2*d*. for three pounds, or about 3*s*. 10*d*. a buſhel, equal to 95*l*. 16*s*. 8*d*. an acre! This is occaſioned by the potatoe merchants, for it is the farmer that brings the crop to market. This potatoe merchant thus becomes as great a nuiſance, in his line, as the cutting butcher in another. There is no carrot or turnip merchant, nor is there an occaſion for any in the article of potatoes. But if even there was any occaſion for dealers of this kind, every pariſh ſhould have one, at leaſt, of their own appointment,

ment, and thereby regulate the price according to circumſtances, and keep thoſe dealers within reaſonable bounds, who, if they have nothing to check them, would, like the Dutch Eaſt India Company, rather deſtroy the article than lower the price.

In regard to ſoap and candles, the manufacturer ſhould be conſidered as the original poſſeſſor, but there ſhould be no middle man between him and the ultimate vender. The price of meat, with ſome attention to the imports of tallow, ſhould regulate the prices of theſe articles, by the addition of a reaſonable percentage.*

Injudicious and improvident taxes, and unneceſſary burthens on proviſions, previous to the expoſure to ſale by the ultimate vender, tend to enhance the neceſſaries of life; but they are not the only cauſes of it; there are ſeveral others, ſuch as combinations among workmen to raiſe the prices of labor—the increaſe of the poor's rates, occaſioned by the preſent idleneſs and miſmanagement of the pariſh poor—con-

* This is already in ſome degree practiſed by the chandler's company, but not effectually.

finement

finement of perſons for debt, or crimes—and by permitting beggars, or any perſons having no lawful means to procure a living, to paſs their time in idleneſs.

Whoever is unemployed is a burthen to the reſt of the community; for it is ſelf evident, that if in a ſociety of perſons conſiſting of a given number, one half are idle, the other muſt ſupport them directly or indirectly, in food, lodging, and cloathing. Suppoſing in the induſtrious half, an exertion equal to double their own neceſſities, whether the idle are to be ſupported or not, it follows that they would have a profit equal to the conſumption of the idle in one inſtance, and none in the other. If then men in buſineſs are able to ſupport their families only when every perſon in the community is employed, and when each one contributes his ſhare to ſupply the reſt with the article of his manufacture, what muſt be the conſequence if one perſon in that community omits this duty, which certainly as much attaches to him as to the reſt? The others muſt ſuffer in the proportion as one is to the reſt of the ſociety. If that ſociety is large, the defalcation of one man is only as a drop from a bucket, and conſequently not perceived; but as a bucket of water is made up of drops,

drops, very many of them may form a large proportion of the meaſure.

On every riſe of the poor's rates, the manufacturer and the farmer, as we have before ſeen (p. 150) muſt, in ſelf-defence, add ſomething to the articles in which they deal. If thoſe articles are for home conſumption, the riſe has no effect, as it has before been proved (p. 151) on any part of the community, except on the perſon who ſubſiſts by a fixed income; for to others, it is immaterial whether a pound of meat ſells for a penny or a ſhilling.* The principal evil then would be this, it would raiſe the price of our manufactures until we could not diſpoſe of them to foreigners; the iſſue would be, that ſo many of the labouring manufacturers muſt be diſcharged as are ſuperfluous to the foreign demand. Theſe, alſo, if in a time of peace, would become an additional burthen to the pariſh rates, which being collected from thoſe who have employment, would thereby again increaſe the article of manufacture, until it would be no longer made here;

* It may, however, have a tendency to expel foreigners who come here to gratify their curioſity; for finding living ſo much higher than in their own country, it will probably tend to render their reſidence irkſome.

and then we ourſelves ſhould be obliged to reſort to foreigners for a ſupply, and thereby not only loſe our former profit, but add to our loſs, by a purchaſe from others. Such people as could not ſubmit to the wretched alternative of living on charity would contrive, in ſpite of the laws, as a laſt reſort, to emigrate.

Fortunately however for this country in general, and for the poor in particular, who ſeldom know their real intereſts, and who, taking war and peace together, never lived better than they do now, our ingenuity in inventing machinery to ſpare expenſe, or to accelerate labour, has more than kept pace with the increaſed prices of the neceſſaries of life: and our manufactures, thanks, I ſay, to our mechanical ingenuity, are yet in demand. If the poor had been ſuffered to continue their deſtruction of new machinery, and their combinations for wages every where elſe as they long did in Spital-fields, Taunton, and in Lancaſhire, proviſions would have been much higher than they are now, and our manufactures have been deprived of their only ſupport. We ſhould conſequently have had little or no trade.

If we are wiſe, we ſhall not only exert our utmoſt endeavours to ſuppreſs combinations to raiſe wages, but endeavour to decreaſe the prices of the neceſſaries of life; and alſo to keep up the ſpirit of mechanical improvement.

Let us be cautious that our manufactures do not get into the hands of foreigners; the conſequences will be moſt injurious when they do. When a nation becomes ſenſible ſhe can rival us in an article we once excelled her in, ſhe will uſe her utmoſt endeavours to add a ſecond, and many other inſtances to the former.

We have thus far treated of the prevention of crimes by the moſt gentle means; we will now proceed to the ſecond, which is of a harſher nature, and can reaſonably be practiſed only when the firſt has failed.

ON CRIMES,

AND ON OUR

ENGLISH PUNISHMENTS.

JUDGE Blackſtone, in the 18th chapter of the Fourth Book of his Commentaries, ſays, "It is an honour, and almoſt a ſingular "one, to our Engliſh laws, that they furniſh a "title of this ſort" *(the means of preventing offences)* "ſince *preventive* juſtice is upon every "principle of reaſon, of humanity, and of "ſound policy, preferable in all reſpects to "*puniſhing* juſtice; the execution of which, "though neceſſary, and its conſequences a "ſpecies of mercy to the commonwealth, is "always attended with many harſh and diſa-"greeable circumſtances."

This is certainly a panegyric on our laws which they do not merit; for it will be found, on reading this 18th chapter, that a pledge or ſecurity for keeping the peace is the only in-

ſtance the learned judge could give in ſupport of his aſſertion. The truth is, that the infliction of puniſhment has, in all countries, ever been the favourite prevention of crimes; and a candid inquiry will oblige us to confeſs, that if any other means have been, even of late years, adopted in England, it has been thought of and practiſed by private people or ſocieties, but never by the legiſlature. Fierce and revengeful, our criminal laws view nothing prior to the effect: they ſeem in cloſe alliance with the grim king of terrors, and for his ſake to ſpread wide and more wide the net of deſtruction, whoſe meſhes are now drawn fine enough to take in the utmoſt inſignificance.*

In treating this ſubject we ſhall find, that many things are neceſſary to form a perfect code of criminal laws. We will divide them as follows:

1. The nature of the puniſhment.
2. The ends to be obtained by puniſhment.
3. That it ſhould be proportioned to the crime.

* See Blackſtone's Commentaries, Book IV. the whole of chap. 1.

4. That

4. That punishment ſhould be rendered as near as poſſible the attendant of crimes.

5. The means of cauſing that connexion.

6. Scale of crimes and puniſhments.

The Nature of the Puniſhment.

THE nature of the puniſhment is of eſſential conſequence towards not only the prevention of crimes, but the cure of vice.

A perſon who commits a crime, generally acts from the following motives:

Paſſion, Jealouſy, Revenge, or Security,	as in murder.
Unavoidable diſtreſs, Diſſipation, or Idleneſs,	as in frauds and robberies of every denomination.
Avarice,	

Avarice, or the Deſire of gain, { as in receiving ſtolen goods, uſury, perjury, and ſmuggling.

When a perſon commits murder from paſſion, it is becauſe he is, for the moment, deprived of his reaſon. He is then much more a lunatic than one who is guilty of a deliberate ſuicide: the gallows, at the moment, does not ſtare him in the face; if it did, his reaſon would return; for a guſt of paſſion only never occaſioned a deliberate murder; it is a contradiction in terms. If this is granted, ſuch a perſon is as much a lunatic, in the eye of reaſon, if ſo during the committing of the crime, as he who was ſuch ſome time before, or who continued ſo afterwards. Perſons of quick apprehenſions and ſuddenly violent diſpoſitions are thoſe who commit murder from paſſion. A public execution to ſuch is a tranſient buſineſs, and in theſe kingdoms is become ſo frequent, as ſcarcely to attract the attention of paſſengers, or even of thoſe in the neighbourhood.* It is beſides

* Beccaria, chap. xxviii.

The only execution I ever ſaw was in the end of the year 1793, and that was accidental. As I was paſſing one morning, earlier than uſual, from Snow-hill to Newgate-ſtreet, juſt as I got in the middle of that broad part, at

beſides, ſo generally adopted as the ſovereign remedy, that very few attend to it ſo far as to diſcriminate the offence for which the wretches ſuffer, or to make any application to themſelves. We may venture to ſay, that no perſon in this country corrects his paſſions from ſeeing a criminal ſuffer at the gallows. If death was ap-

at the corner of St. Sepulchre's church yard, I accidentally turned my eyes towards Newgate priſon. I ſay, accidentally, for there was nothing extraordinary, except the railings, to attract my attention. I then ſaw a thing, like a black bag, dangling from a beam; for I was ſo much taken up with my own thoughts, and being accuſtomed to the buſtle of London, that I was not immediately ſenſible what it was. When, however, I did recollect myſelf, the ſight ſhocked me very much, and I haſtened away as faſt as poſſible; but I could not help remarking, that there was no unuſual number of perſons ſtanding about, except near the gallows, and there as many perhaps as if two boys had been fighting. After I had got under that part of the wall which joins the priſon to Newgate-ſtreet, and conſequently out of view of the hateful ſight, I ſtopped to look about me. Cloſe to where I ſtood ſat a woman ſelling fruit, and a man cleaning ſhoes; I aſked what crime the man was hanged for, but neither could inform me. All round, and as far as I could ſee, there was no other appearance, except the railing, but what may always be ſeen at that time in the morning. I particularly remarked ſeveral people paſſing by as I had done, without any other attention than a tranſient look. I ſincerely believe, had it not been for the temporary rails, I ſhould not have ſeen the execution at all. I had often heard of this indifference, but never could comprehend how it was poſſible that the lower ſort of people could be ſo unconcerned at each other's misfortunes. I, at that time, concluded it proceeded from the frequency of the ſight; a proof, at any rate, that the criminal laws ſtand in need of reform.

plied only to the crime of murder, the effect would probably be greater than it is at preſent; but even then it could never have the ſame good conſequences as perpetual impriſonment, accompanied by hard ſolitary labour; for that, as a puniſhment for the crime of murder, gives the criminal leiſure for repentance, which to a Chriſtian is ſurely an object. He may be made to repay to the wife, the ſon, or daughter, as much as in his power, by means of his labour; and thoſe of the town or village where ſuch perſons reſide, who thereby are daily reminded of the ſad effects of unbridled reſentments, will learn to correct their tempers by his crime and puniſhment.

Jealouſy and revenge, when they produce murder, are no acts of lunacy, but have been rankling in the breaſt until they gain vent on the unfortunate object. To puniſh theſe with death is generally to do the very thing the wretched being wiſhed. Would the execution of Hackman produce any good effect on the mind which felt as he did; his object was to die: ſtimulated by jealouſy, he wiſhed to die revenged. But had this man, when taken alive, been doomed to perpetual ſolitary labour, another Hackman might have put himſelf to death,

but

but he never would have run the riſk of Hackman's fate. Think of that poor wretch, the inhabitant of a diſmal cell, with all the agony of his crimes upon him, whoſe only amuſement there is the labour he is confined to, withheld from every better hope, until nature ſinks beneath old age.* The idea is horrid, and but for his future happineſs, we would wiſh him dead. With that in view, we ſee him gradually ſubdue his paſſions, we hear him aſk forgiveneſs of his God; then return with calmneſs to his labour, in order to repay ſociety as much as poſſible for the injury he has done it, and finally wiſh proſperity to the benevolent legiſlature, who, practiſing on the principles of real Chriſtianity, has done him good for evil.

When murder is committed in order to obtain ſecurity, the fault *muſt* be in the laws;† for no man, devoid of real religion, who knowing the puniſhment to be the ſame, whether he commits murder, robbery, or both, but would add the firſt to the ſecond, in order to obtain ſecurity. There never was any thing more ab-

* Beccaria, chap. xxii. para. 2.
† Ibid, chap. xxviii. para. 5, 7, 8, 10, 13.

ſurd

ſurd in ſuch an enlightened age and country; and yet no one of ſufficient influence, in a ſociety which otherwiſe may fairly boaſt of its good ſenſe, has ever ſtepped forward to remedy the evil. No man of obſervation but acknowledges the error, and yet we bear the reproach of foreigners, and the conſciouſneſs of impropriety, with an inhumanity in every other inſtance a ſtranger to our national character. What plea is urged in extenuation of this ſingular contradiction? It is dangerous to make innovations. Wonderful, that Engliſhmen ſhould annually and unneceſſarily put to death not leſs than a hundred of their fellow citizens as a ſacrifice to cuſtom!*

In this inſtance, at leaſt, the nature of the puniſhment is evidently of eſſential conſequence; for if a perſon knew, that by an addition to the atrocity of his crime, he ſhould add to his puniſhment,† there are few who would venture, even in hopes of ſecurity.

Unavoidable diſtreſs has undoubtedly urged thouſands to commit crimes, which they would

* Beccaria, chap. xxxiv. para. 5.

† Ibid, chap. vi. para. 6.—chap. xiij. para. 4.—chap. xxvii. para. 1, 2, 3, and 4.

have

have ſhuddered at in proſperity, or even if it had been in their power, by induſtry, to earn a bare ſubſiſtence. The want of bread to eat, and the cravings of a family, have been, and are at this moment, the bitter portion of many who were once in affluence, and are now deprived of every ſupport by the rapacity attendant on a law-ſuit, or the ſwindling of a wretch who has baſely involved credulity in his own neceſſities. Such, though unfortunate, ought certainly, if criminal, to endure a puniſhment as an example to others; but let them and their families retain ſome hopes of reunion. Therefore, in order to prevent crimes, a perſon in diſtreſs ſhould have it in his power to apply with effect for employment,

Becauſe he is deſerving of it;
Becauſe it is a diſgrace to the public that he ſhould ſtarve; and
Becauſe the public ſecurity ſays he ſhall not ſteal.

If there is no other alternative but to ſtarve or to ſteal, for ſuicide is out of the queſtion; and if an unfortunate wretch prefers the latter to the former, I defy the moſt obdurate and the moſt unfeeling to ſay, he is not juſtified by reaſon; but if he does it under certain circumſtances,

Of crimes occaſioned by avarice, thoſe of receiving ſtolen goods, and perjury, are certainly, in the opinion of every body, to be termed infamous; but ſmuggling and uſury are not equally ſo.* The former, therefore, ſhould receive a corporal puniſhment, the latter ſuffer by fine only; to which diſcrimination, to do them juſtice, our laws certainly in general attend.†

We have hitherto ſpoken principally of crimes which render puniſhments neceſſary, we will now conſider the ſeveral ſpecies of civil puniſhments in themſelves. They are as follows:

1. Death.
2. Diſmemberment.
3. Branding.
4. Whipping.
5. Pillory and the ſtocks.
6. Impriſonment and hard labour.
7. Tranſportation.
8. Baniſhment, and
9. Fine.

* Beccaria, chap. xxxiii. para 1.
† Ibid, chap. xx.

Whether

Whether death is inflicted by hanging or decapitation, provided it is inſtantaneous, it is immaterial both to the criminal and to the public: it is ſo alſo to him, whether he is afterwards drawn and quartered, burnt, diſſected, hung in chains, buried in the highway or church-yard, but not ſo to the nation. To exhibit a ſcaffold, like ſhambles, for human fleſh, is abhorrent to our nature, and excites reſentment rather than fear. To ſtring human carcaſes, like moles or rats upon a ſtick, is very common upon the Thames and highways, and yet robberies are committed under, or within ſight of them, almoſt every night; which proves the practice to be uſeleſs at leaſt; and if ſo, it is very barbarous, and at any rate very diſguſtful.

It is wonderful that women alone are by our laws liable to be burnt alive; but as the practice in this particular amends the law, it is no further of conſequence, except to ſhow, that we can trample on the laws when it ſuits our purpoſe, and likewiſe to exhibit the ſpirit of ſome former times. The men, having the power, inflicted a partially cruel puniſhment on that ſex, who rather merited their compaſſion. It was a degree of inhumanity which the wildeſt native Indian would have bluſhed at.

Equally

Equally ſo was it to pare and lop off the limbs of a fellow creature, for any crime whatever. It was not only cruel in the act, but it was the ſureſt means to confirm the criminal in roguery; for thus marked with reproach, and cut off from honeſty, he had no alternative than to aſſociate with others in ſimilar ſituations, who formed a gang, made deſperate by revenge and neceſſity. For what was the world to them? They were not only proſcribed in their native land, but through all the earth beſides. Thank heaven, amidſt all our faults, we have this to compliment ourſelves upon, that however we have increaſed our capital puniſhments, we have by cuſtom, though not by law, decreaſed their cruelty;

For branding, which, if inflicted as directed by law is little better than diſmemberment, is, if the executioner pleaſes, done with a cool iron, and thereby becomes little more than a ceremony. But, on the other hand, what is this but a mockery of juſtice? and to the full as ridiculous as the penance of wearing peas in the ſhoes with the tacit permiſſion to boil them.*

* An artifice not uncommon in Catholic countries.

Whipping is ſtill in practice with us, and were it executed in private only, but with a due ſeverity, might be a very good puniſhment for hardened, young, or ſturdy offenders, to whom work, by habit, would probably come light; but when the executioner can be bribed to perform it in appearance only, and it is inflicted in public, it ſerves, like the pillory and the ſtocks, more to harden than reform; for it is very obſervable, that in the army, when a man has once been publicly whipped, even though for a trifling fault, and that on a forced conſtruction perhaps, he never again has that ſenſe of ſhame or of honour which he had before.

Impriſonment, as it is well or ill accompanied, is productive of good or bad effects. Confine a man in idleneſs, ſuffer him to get at liquor, and allow him bad companions, it is ſelf evident that he muſt become worſe than he was before. Keep him ſober and to himſelf, make him work hard, and reaſon with him on the *folly* as much to the full as on the *wickedneſs** of his paſt conduct, he muſt be bad indeed not to improve by it. But we

* Beccaria, ch. xviii, para. 1.

will no longer dwell on this ſubject at preſent; we ſhall be furniſhed with ſufficient opportunities, in the courſe of this treatiſe, of recommending hard ſolitary labour.

Tranſportation and baniſhment,* though both of them an expulſion from our ſociety, differ in this, that the former is a compulſatory reſidence in one particular ſpot or country, fixed on at the diſcretion of the executive power; and the latter is merely a decree, which obliges the party, as the law terms it, *to abjure the realm*, but leaves him the choice of his future reſidence. The law, however, in both caſes prohibits a return within a fixed period, and inflicts a capital puniſhment on a breach of this injunction. Tranſportation is neceſſarily at the expenſe of the ſtate, baniſhment at that of the criminal. Formerly they were both, in reality, equal in degree of puniſhment; they differed only in the expenſe; for the American colonies, being the ſeat to which criminals were tranſported, they might, if unknown, reſide in a very reſpectable ſociety, and the proportion of bad thus imported were loſt in the ſuperior multitude of others; or they

* Beccaria, ch. xviii, para. 5.

might proceed to other foreign countries, and thus finally ſuffer no more than thoſe who were originally baniſhed. But a change of circumſtances has varied the place of tranſportation, and an extenſive iſland in the South Seas is now ſelected for its circumſcribed bounds. The vaſt diſtance of this ſpot from civilized ſociety, the infamy of all the European inhabitants, except thoſe who are ſet as guards over the reſt, and its uncultivated ſtate, render tranſportation a more marked, and, in fact, a ſeverer puniſhment than it was formerly, and than mere baniſhment is now. It is therefore, reaſonable to diſcriminate thoſe crimes which merit the one and the other puniſhment.

When a perſon is condemned to tranſportation or baniſhment, it is the ſame as to pronounce, that to deprive him of life is a puniſhment too ſevere, but that he is a ſubject too dangerous to be ſuffered to reſide in our ſociety, either in priſon or at large. Theſe implied cauſes of expulſion attach as much to tranſportation as to baniſhment; but we have before obſerved, that there are crimes which are infamous in their very nature, and there are others, ſuch as ſmuggling and uſury, that in the eyes of the world are not equally ſo.*

* Beccaria, ch. xxxiii, para. 1.

There is likewiſe another claſs, whoſe criminality depends on opinion. Some may ſtigmatize an action, or the promulgation of an opinion as a high crime or miſdemeanor, and others may exalt it to virtue, and call it patriotiſm, or holy zeal. A man, therefore, who becomes dangerous to the ſtate and to ſociety, in purſuit of what he and his followers conſider as a duty to God or to their country, is not criminal in the ſame light as if he had committed a robbery. If ſincere, he only falls into an error, but may ſtill be an honeſt man. But if that error is conſidered by the conſtitutional tribunal of his country to be dangerous to ſociety, the executive government does no more than its duty in obliging ſuch a man to *abjure the realm*;—it is, however, an act of great ſeverity, and a diſproportioned puniſhment, to ſend him to dwell perforce in a "den of thieves," without a poſſibility of retreat.

It has been already ſaid, that fines, under certain circumſtances, are a proper mode of puniſhment; but it is the worſt policy imaginable to allow them to go into the Exchequer.* Fines ſo deſtined bear too much

* Beccaria, ch. xvii, para. 1.

the

the appearance of the perſonal intereſt of regal power, which, like Cæſar's wife, ſhould not only be really pure, but free from ſuſpicion. To have their full effect they ſhould be formed into a fund to check the crimes of others, and be made rewards for faithful ſervitude. Thus employed, fines would operate as does a duty laid on a foreign manufacture given as a bounty to encourage domeſtic induſtry. A detected crime ſhould, like the ſcorpion, furniſh its own antidote.

THE ENDS TO BE OBTAINED BY PUNISHMENT.

HAVING unavoidably treated generally on this ſubject in the preceding ſection, we will now confine ourſelves to the object more particularly.

When the laws puniſh, they ſhould do it with the ſame view as a good parent chaſtiſes a child, to reform, not to revenge;* therefore, all puniſhment which is not abſolutely neceſſary originates in error, and ſhould be amended; or from barbariſm, and in an enlightened age and country ſhould be aboliſhed. The laws of antiquity have at times, as it were, hurled thunder and lightning, not to reform but deſolate mankind; they were ſuited to the then rough and warlike habits. Now, like the mild influence of our religion, they ought to perſuade the underſtanding, and amend the

* Beccaria, ch. xix, para. 2.

heart.

heart. But we flatter ourſelves on the ſubject of our refinement. There are yet ſome weeds to be eradicated from our cuſtoms; and a few rough features to ſoften in our laws. Theſe, it is true, we owe to our anceſtors; but, becauſe they were as wiſe as their educations would admit, ſhall we only profit from their experience, and not thereto add our own? Have not the manners changed, and ſhall not the laws?

When a mild puniſhment will anſwer the ſame purpoſe as one more ſevere, there certainly can be no advantage in inflicting the worſt;* and as the end of puniſhment is to benefit ſociety, and not to amuſe them with cruelties,† the moſt ignorant, unbiaſſed by revenge, will decide in favour of humanity.—Charity ſhould even doubt, whether we have any right to take away the life of a fellow-creature in any inſtance whatever. Thus much is evident, if a perſon dying in his ſins is, as ſome aſſert, doomed to endleſs puniſhment, we ſhould be very cautious how we deprive a man of the power of repentance. How many are yearly executed, denying to the laſt the

* Beccaria, ch. xii. para. 2.
† Ibid. ch. xix, para. 1. Bl. b. iv, ch. i, pa. 9,

crimes for which they ſuffer! Appearances may be much againſt him, and yet a man may be perfectly innocent. At leaſt, it is not probable that a perſon, who at the moment when he is about to be launched into eternity, and ſhows contrition for the ſins of his paſt life, will add to thoſe ſins when he has no hopes of pardon in this. It ſurely then appears unlikely that all who are executed, and yet have perſevered in aſſerting their innocence to the laſt, are really guilty. However, as long as death is almoſt the indiſcriminate puniſhment, there can be no remedy to ſuch a misfortune.

Puniſhment ſhould bear a Proportion to the Crime.

IT cannot be too often repeated, that puniſhment ſhould neither be too lenient nor too harſh; nor ſhould a crime, not held infamous, endure the ſame penalty as one that is ſo.

Too much lenity in puniſhment is a degree of impunity; for if a man's hopes in committing a crime are greater than his fears, it will undoubtedly be an inducement ſufficient

to

to urge him to the deed; and if the penalty is too harſh on inferior crimes, they uſurp the place of greater; the conſequence is, we are often at a loſs to find a proportioned puniſhment.* It is this fatal evil, urged on by *revenge*, not reluctantly drawn from *charity*, which has made our criminal code ſo ſanguinary, and that of other nations ſo cruel. How many intervening crimes are there between picking a lock and deliberate aſſaſſination? And what difference do we make in the puniſhment? Wonderful to relate! in this and other barbarous countries the criminal code was at one period ſo mild, that any crime whatever might be compounded by a fine;† and in theſe days, when every preſs teems with fulſome compliments on our politeneſs of manners, delicacy of taſte, enlightened underſtandings, profound philoſophy, and lofty ſentiments, a *man* loſes his *life* for *ſtealing a horſe!*

Which is the moſt ſenſible code, that which encourages the worſt crimes by too mild a puniſhment, or that which threatens every one with death who commits any crime, and yet ſeldom executes it? Formerly the laws, mild

* Beccaria, ch. xxvii, para. 8.
† Blackſtone, b. iv, pa. 413.

as

as they have been, were never trifled with; no man could commit a crime in hopes of pardon, for as the penalty was pecuniary, the avarice of the prince then ſtepped in to ſupport them.* At preſent the humanity of the prince muſt neceſſarily trample on the laws, or they would in time deſolate the land.

We will cite a caſe in point, from the True Briton, Monday, Auguſt 12th, 1793.

" At the aſſizes for the borough of Leiceſter " came on the trial of Joſeph Bland and John " Edgſon, for wantonly and maliciouſly de- " ſtroying the trees planted on the New Walk, " near the town of Leiceſter. The proſecu- " tors, from motives of humanity, declined " giving evidence, the Judge having ſtated " the offence to be capital under the Black " Act.—Mr. Baron Hotham, after inform- " ing the priſoners of the atrocious nature of " the offence, and the ſevere puniſhment which " they muſt have ſuffered, had the proſecutors " proceeded upon their indictment, adviſed " them to enter into his Majeſty's ſervice, and " informed them, that the indictment upon

* Beccaria, ch. xvii, para. 1.

the

" the Black Act would ſtill hang over their " heads, as a ſecurity for their future good be- " haviour."

Let us reaſon on this report as we find it, and if it is a true one, here are evidently three moſt egregious errors, either in the law, the adminiſtration of it, or in both.

The 9 *G.* 1. c. 22, commonly called the Black Act, makes it a crime of a capital nature for a *perſon* maliciouſly to deſtroy a *tree*. We will begin our examination of this tranſaction, with an attempt to aſcertain by what rules we judge of the heinouſneſs of a crime. A man kills his fellow-creature; here is a great offence, becauſe by ſo doing he breaks a link of that chain which firſt bound ſociety together. It was for the ſake of *ſecurity* man firſt came from the deſert, and for it he patiently endures thoſe many ills he ſuffers from his fellow-creatures. A man enters into rebellion againſt his country, and by his eloquence inveigles his fellow ſubjects to diſturb the peace of the ſtate; he thereby renders *ſecurity* more precarious than it was before; he endeavours to unhinge the confidence repoſed in government, and with his own riſks the lives of his aſſociates,

ates, who, but for him, would probably have lived happy and contented. Here is an act which deſerves a very great puniſhment; it is, in truth, a capital crime. No one can have a moment's heſitation in pronouncing both theſe to be crimes of a very malignant nature. Why do we ſo readily determine the guilt on this occaſion? Becauſe it is the invariable property of a cultivated mind to poſſeſs that juſtice which meaſures the offence by the degree of injury intended, and actually committed on ſociety. But in deſtroying a tree a man commits no act of cruelty; he does nothing which is irreparable; he diſturbs no one but the perſon to whom it belongs; the ſtate is not injured or endangered; he does not even deprive the individual, who has the chief ground of complaint, of his real property, he only, with ill-nature, diſplaces an ornament which may be planted again. I do not wiſh to excuſe this act beyond reaſon; for theſe men certainly committed a great offence, as moſt people ſet a higher value on an ornamental tree than on a property of more intrinſic worth. In the caſe, however, of a young plantation, almoſt all the damage, beyond the real value of the plants and the labour, is only a fancied worth, and there can be no excuſe for inflicting any puniſh-

puniſhment beyond what is pecuniary, or hard labour, or that which is the ſlighteſt corporeal ſuffering in default of property.

Secondly, The proſecutors from motives of humanity decline giving evidence, and the judge permits them to do ſo.* By this it is evident that both the proſecutors and the judge thought, as every one muſt, that the puniſhment and the crime were not proportioned; for had theſe men been guilty of murder or rebellion, the proſecutors would not have withheld their evidence; and if they had attempted it, the judge would have exerted his authority, and uſed compulſatory meaſures, rather than thus have given countenance to their eſcape. But inſtead of that, the judge, in this inſtance, ſuffers the law to be trifled with, and the proſecutors, *before trial*,† to pardon a crime which it is a prerogative of royalty alone with propriety to pardon *afterwards*. When the trial of a culprit in cuſtody, and the ſentence of the laws, depend on any other will than the laws them-

* Beccaria, ch. xl, para. 2.

† The legal and proper mercy of a king of England may remit the puniſhment, but ought not to ſtop the trial.

Philo-Junius, Nov. 14, 1796.

ſelves,

ſelves, either thoſe laws are unjuſt, or the executive power is too weak to enforce them.

In the third place, the judge informs the priſoners, when he diſcharges them, that this Black Act ſtill hangs over their heads, as a ſecurity for their future good behaviour. If this is law, it is not leſs unjuſt than the conduct of James the Firſt in the caſe of Sir Walter Raleigh. Indeed it is worſe, for Sir Walter was executed on his former ſentence: he had been tried, and, though unjuſtly, he had been found guilty by a jury, and the king had ſent him, with that ſentence hanging over him, on an expedition to America, that he might have an opportunity of doing ſomething which ſhould entitle him to his pardon.*— Now, though theſe men are brought to the bar, and their proſecutors at hand, though they are diſcharged without any crime proved againſt them, and conſequently in the eye of the law as innocent as the judge himſelf, yet they are told that this Black Act ſtill hangs over their heads.

* The king may extend his mercy on what terms he pleaſes.

Blackſtone, b. iv, pa. 401.

Humanity

Humanity muſt neceſſarily trample on our criminal laws, or they would in time deſolate the land.*

Puniſhment ſhould be rendered the ſure Attendant on Crimes.†

THIS ſhould undoubtedly be the caſe in every inſtance, except where the laws, which provide generally, bear hard in a ſingle inſtance. The power of pardoning, or of mitigating puniſhment, is, therefore, lodged where it ought to be, in the firſt magiſtrate; and few inſtances will occur, as we before obſerved, when the puniſhments are mild in themſelves, and that the crimes and puniſhments bear an affinity to each other, that he will have occaſion to exerciſe that power.‡ Much leſs ſhould the villain be pardoned who baſely betrays his accomplices.§ He is thereby tempted to add another crime to the former, and the laws themſelves are guilty of an indiſcretion at leaſt, by ſometimes ſetting the contriver of the plot

* Beccaria, ch. xxvii, para. 5.
† Ibid. ch. v, para. 1.
‡ Ibid. ch. xlvi, para. 1.
§ Ibid. ch. xxxvii, para. 3 and 4.

looſe

looſe on the world to profit by his former experience. Beſides, it is beneath the dignity of ſupreme power to compromiſe with a villain. Cæſar, when his life was in the power of pirates, would not even then degrade himſelf by ſoothing their ferocity, and, in that perilous ſituation, threatened them with puniſhment if he ſhould ever take them. He was afterwards as good as his word.* Benefit of clergy partakes of the ſame nature, and ſhould be diſuſed. The former practice originates from an imperfect police, the latter from a too great ſeverity in the criminal laws.

Here then the advantages ariſing from moderate and proportioned puniſhments are evident; for as there will ſeldom be a neceſſity for pardon, it will not often take place; therefore no one will venture on a crime in hopes of impunity. What is it that keeps thouſands from committing exceſſes, either in eating or drinking, but the recollection of former ſuffering, in conſequence of former imprudence? It is the perſon that *ſometimes* eſcapes that ventures again. No one who was convinced that a particular practice would *infallibly* produce a

* Plutarch's Life of Cæſar.

fit

fit of the gout or cholic, would perſevere in it. But if the conſequences are not immediate, or are irregular, people flatter themſelves that it is any thing elſe except the favourite indulgence, and no opinion of their beſt friends will have any influence.

A villain about to commit a crime, always makes a rough calculation of the chances of eſcape;* which, independent of the peculiar difficulty of proof in our courts, at all times ſufficiently favourable to the priſoner, are unneceſſarily multiplied by other circumſtances. Under the fallacious idea of a tender regard to the priſoner, we leave ſome avenues open for eſcape; and detection is become one of the leaſt difficulties in bringing that perſon to juſtice, who by experience is maſter of thoſe arts which can be varied, combined, and adapted to his purpoſe. If the criminal himſelf is ignorant of theſe tricks, there are learned gentlemen in plenty † who for money will lend

* Beccaria, ch. xxvii, para. 1. Bl. b. iv. ch. i, p. 19.

† Court of King's Bench, June 3d, 1796. The King againſt Middleton.

Mr. Conſt moved for a rule to ſhew cauſe, why judgment ſhould not be arreſted in the caſe of the defendant, who had been tried and convicted of a charge of enticing artificers out of the kingdom. The ground on which he moved

lend their aſſiſtance to detect the leaſt error in the proceedings, ſo that not a flaw or miſtake of the moſt trifling nature, or a doubt to cavil on, can poſſibly eſcape them.*

But ſuppoſe, as is very frequently the caſe, that a man has been arraigned for a crime, and a lawyer, before judgment, has diſcovered ſome inaccuracy, provided the witneſſes are all able to attend another day, and every thing which is neceſſary can be then brought forward, why not rectify the miſtake? Is it in a criminal cauſe, any more than in a civil one, an injury to the priſoner to admit of a new trial?† If the priſoner's counſel can ſhow, that in conſequence of the miſtake, or other circumſtance, his client was found guilty, when, if that miſtake had not happened, it is probable he

moved the rule was, that in the indictment the conjunction *and* was uſed inſtead of the disjunctive *or*; namely, "manufacturers, workmen, *and* artificers." It was alſo ſtated in the indictment, "to America, out of his Majeſty's dominions," without ſpecifying what part of America; whereas his Majeſty does poſſeſs dominions in America.—Rule granted.

The caſe was argued, and the reaſons urged in ſupport of the rule appeared to the court to be inſufficient.—Judgment, fine 500*l*, and to be confined in Newgate during one year.

* Bl. b. iv, p. 376. Quotation from Sir M. Hale.

† Ibid. b. iii, p. 406.

would

would have been acquitted, in that caſe it ſhould certainly be rectified; but, in order to a total acquittal, he ſhould make it appear, that the priſoner was thereby deprived of ſome evidence, which could not be produced on a rehearing.

It is known to every one, as a maxim in law, and that maxim is founded in propriety, that a man cannot be put twice in jeopardy for the ſame offence; for if this was permitted, no one could eſcape the malice of power. This, however, is under the idea of an acquittal; for if found guilty, no change can poſſibly take place, but what is favourable to the priſoner. It cannot be preſumed that a ſentence againſt a priſoner was occaſioned by a miſnomer or literary error in the indictment or any other writing whatever; but if found guilty, the reverſal of judgment ſhould only take place on proof, that the verdict of the jury was obtained by falſe teſtimony, or other circumſtances diſcovered ſince the trial, and that the priſoner was, in truth, not guilty. This is the real ſpirit of the Engliſh law.* The moſt lenient adminiſtration of juſtice is to puniſh, in mercy, but infallibly,

* Bl. b. iv. chap. 30, p. 390 to 393.

every man who is *deſerving* of puniſhment, and the *practice* is evidently imperfect that ſuffers him to eſcape.

It appears to any one, except a lawyer, a great abſurdity, that the acquittal of a priſoner ſhould depend on any thing but the merits of the caſe. When a man is tried for treaſon, the indictment is drawn up from the circumſtances which ariſe before trial; but if on trial it ſhould appear, that he was really guilty of treaſon, yet not as laid in the indictment, there can be no reaſon, founded on good ſenſe, for diſcharging him; for that is putting the verdict in the power of the officer who carries on the proſecution; and the more ſeeming rancour he ſhows in drawing up the indictment, the better he will hide his intentions, and the ſurer he will ſucceed. A man, therefore, charged with treaſon, ſhould be tried for treaſon *generally*, and not for treaſon as laid in the indictment only; for that ſuppoſes the public accuſer intuitively acquainted with every circumſtance, and a perfect judge, by anticipation, of whatever is to come out on the trial.*

* Trials of Hardy, Thelwall, &c.

If

If the commiſſion of an inferior, or even of a greater crime, ſhould appear in the courſe of the trial, a jury ſhould have the power to find that crime, or to acquit, as their conſciences ſhall direct: that is, as an indictment for murder may even now comprehend manſlaughter, ſo ſhould an indictment for treaſon involve ſedition; or elſe the priſoner ſhould be liable to be arraigned again for an offence, which on the firſt trial appeared to have been really committed, though not ſtated in the indictment. In other words, no man ſhould, on any account, eſcape puniſhment for a crime actually committed, and which is capable of proof; but his acquittal ſhould depend ſolely on the innocence of his conduct or intentions.

Means of cauſing that Connection.

EVERY means of eſcape ſhould be ſhut to a perſon who has committed a crime; every avenue ſhould be ſtopped: he ſhould be hunted down by every poſſible contrivance, no matter the expenſe, no matter the numbers employed. The infrequency of crimes, in conſequence of

ſuch a watchful police, would make an ample ſaving, when compared with the preſent practice.*

When ſuſpected perſons are apprehended, and carried before a magiſtrate, it is the common practice, provided there appears cauſe, to commit them for further examination: to this end they are ſent to ſome priſon; and eſpecially in London, turned looſe amongſt the other priſoners, on purpoſe, one would think, to receive every inſtruction which their hardened minds and long experience have taught them. But if this practice was reverſed, and they were kept ſeparate in quiet, wholeſome, but gloomy rooms, and debarred from every viſitant, even their own friends, until their examination was over, the tranſition from perfect liberty to ſuch a ſituation, unknowing to the ſteps which at that time were taking againſt them, and the apprehenſions which naturally enter into a guilty mind, would often bring on a voluntary confeſſion, which, though it cannot criminate the priſoner himſelf, would frequently preclude the neceſſity of king's evidence. But where a priſoner's acquaintance, or perhaps his accom-

* Beccaria, chap. xxvii. para. 1—xli. para. 2.

plices,

ſlices, are admitted to ſee him, to report all thoſe circumſtances which are become public: and when ſtrong liquors are ſuffered, they very much defeat the deſign of a previous examination.

The detection of receivers is, if poſſible, a greater object than the principal himſelf; *they* are the great ſupporters and encouragers of the trade. *But* for ſuch, diſcovery would be eaſy. They are the maſters, the others are only journeymen; poor ignorant wretches, whoſe ſkill conſiſts in the execution alone, they have neither purſe nor head to contrive: ſometimes indeed we ſee a clever fellow who is fit for a foreman, and now and then a genius ſtarts forth, who ſets up in buſineſs for himſelf; but unleſs ſupported by other influence than his own ingenuity, he ſoon becomes bankrupt.

Perſons of a humane diſpoſition, who would now rather forfeit their recognizance, than be inſtrumental in hanging a miſerable fellow creature, would, if the puniſhment tended to reformation, proſecute to the utmoſt of their power, and think they were doing a deed of charity.

All proſecutions, in which the party evidently appears no further intereſted than in the recovery of ſtolen property, ſhould be carried on at the charge of the public. People, to whom the expenſe of a proſecution is an object, would then make diſcovery of every theft: but at preſent, a perſon after he is robbed, weighs in his mind whether he had not better put up with the loſs of a few pounds, than incur an expenſe which he is aſhamed to acknowledge is above his ability. In real equity, as well as in ſound policy, it is a manifeſt injuſtice to add another expenſe to a perſon's loſs by robbery; for that is occaſioned by public neglect, or public misfortune; or in other words, by bad diſcipline, or want of employment.

Whenever, in conſequence of a miſtake in the judicial proceedings, a priſoner eſcaped juſtice, the officer who committed that error ſhould be for ever diſcharged from a public employment: were this the invariable rule, ſuch a circumſtance would never happen; and if it did, it is better that a dozen careleſs lawyers ſhould ſuffer than that one rogue ſhould eſcape puniſhment.

We may obſerve, that robberies are frequent in proportion to the ſize, or crowded, ill-built ſtate of a city or town; not ſo much from the greater quantity of game, as from the difficulty of detection; of courſe there ſhould always be a larger proportion of perſons employed to prevent robberies in great than in ſmall cities. No one, under the preſent management, except the lower ſort of people, can be found to do this duty; and after the uſual hour of going to reſt, when the danger principally exiſts, it is left to their entire management. The conſtable of the night is little better than his myrmidons; generally ſpeaking, their chief object is to drink together after midnight, and levy fines on ſuch as have imprudently given them a ſlight pretence for detention. Should a perſon who has been miſuſed by theſe fellows, feel a diſpoſition to reſent the inſult, his only ſtep is, to ſummons the offenders, if perchance he can ſift out their names and obtain a witneſs, before ſome magiſtrate, who, after trial, will recommend to the pariſh officers to diſcharge them. For a ſmall offence this is doing his duty; for what can he do more? Theſe gentlemen, in ſtrict obedience to command, turn off the offenders for a few days, then take them in again, leſt their families ſhould become a

burthen

burthen to the pariſh. If the injury is great, the culprits may be ſent to the houſe of correction; but that can never be accompliſhed under a conſiderable expenſe and trouble to the ſufferer. He therefore keeps his money in his pocket, and drops his reſentment.

In London one cauſe of this evil is, that the greater proportion of the watch and patroles, both in city and ſuburbs, are people who labour all day, and frequently go on duty from their labour. That is not a proper time to expect the diligence which is required of a watchman. Admit that he leaves off work at ſix; in moſt pariſhes, in winter, he is on guard at eight; in ſome at ten; and in this latter caſe he does not leave it till ſeven. Watching, under ſuch circumſtances, is againſt nature, and therefore impoſſible.

There are two towns in Great Britain that will furniſh us with inſtances of the beſt methods of guarding the public peace at night, Edinburgh and Shrewſbury; the former for a large community, the latter for a ſmaller; but neither are entirely calculated for London, which is too great for either.

In the metropolis of the north, the watch is a regular eſtabliſhment of diſciplined men, properly

perly officered, who mount guard regularly, as in a garriſoned town; but this method is ſupported by great order and a good police. It would take three thouſand men to watch London in this manner; which at firſt view, independent of the benefits to be derived from it, would not only be too expenſive, but might occaſion political jealouſies and diſcontent not eaſily allayed. Though a more perfect method cannot eaſily be deviſed, ſtill every thing of this kind is conſidered as a novelty when practiſed in another place; and unleſs generally approved, plans of this nature are better let alone: for the maſs of the people would rather ſubmit to all the inconveniences of the preſent ſyſtem, than adopt one which has the air of a military eſtabliſhment, for the purpoſe of a civil ſuperintendence.

At Shrewſbury, which is certainly, of the ſmall towns, one of the beſt regulated in England, the watch is ſimilar to that in London, except that the principal inhabitants take their turn in ſitting up every night to ſuperintend it: which is, with ſome alterations, what might be done in London to a great advantage. In every pariſh there is a conſtable of the night; and if they had ſome more extenſive powers, or rather,

if they but knew what the laws do really give them, and received ſome additional rewards for their attention, they might be ſelected from a claſs of people above thoſe at preſent employed. The rounds of each ſhould be optional; that is, to what part of the pariſh, and at which hour he chooſes. There ſhould be a few others above them, who ſhould each have the ſuperviſorſhip of ſeveral pariſhes. Theſe conſtables ſhould not have any other employment: the former ſhould riſe to a ſuperviſorſhip, by ſeniority. Their rewards, either for diſcovery of fire, or detection of thieves, ſhould be made proportioned to their diligence; and the conſtables ſhould be elected by the houſeholders of, and paid by each ſeparate pariſh, having, on admiſſion, taken an oath of office, and given ſecurity for the performance of the duty.*

In

* Saint Mary-la-bonne and Saint James's, Weſtminſter, are ſaid to be the beſt regulated pariſhes, as to their watch, in the metropolis. In the former they are changed at midnight, which certainly admits a labouring man to take the reſt which nature requires. A proper ſuperintendance in addition to this, and care that the watchmen are not too old, is all that is required to anſwer the purpoſe, where economy is conſidered an object.

In Saint James's the watch continues the whole of the night, and the men are relieved every hour. In the interim they ſleep in the watch-houſe. If it could be ſo contrived, that inſtead of one hour, each man ſhould be two hours on guard at a time, except in ſevere froſty weather, and four hours off, it would be better, provided there was a proper place to lay down in: he would then get ſome reſt to be of ſervice to him; but it is not worth while to attempt ſleep for one hour, or even for two. They have

In a plan of this kind might be united the advantages of diſcipline, experience, exertion, and economy: for the additional expenſe would conſiſt only in the increaſe of pay to the ſupervifors and conſtables, which certainly need be but a trifle, compared with the ſuperior degree of ſecurity, in all probability, to be derived from the eſtabliſhment.

The principal defect at preſent is, the want of diſcipline: for there are watchmen enough in moſt pariſhes, though in many they are too old, and in others are on duty too long at one time. Every pariſh ought to have a watchman's alms houſe, as a retreat to thoſe who were grown old, and had been, previous to admiſſion, a certain number of years on the watch, without an eſſential interval, except from ſickneſs; and when ſick, they ought to be attended at their own houſes, by the apothecary of the workhouſe: for the very ſoul of exertion in every one is, the fear of doing wrong on one hand, and encouragement to do well on the other.

have however one excellent practice in this pariſh, which is, to procure as many penſioners from Chelſea as poſſible; theſe men are well calculated for the duty in many inſtances. But as the whole number of pariſhes cannot be ſupplied, a hint may be taken from their method of procuring, after the war, ſuch of the partly diſabled ſoldiers as are fit for the duty, and to whom 1s. 6d. a night, the price given by Saint James's, would be an object, though it is not ſufficient for a man who can earn more.

SCALE

SCALE OF CRIMES AND *PUNISHMENTS.**

HAVING already ſufficiently proved the propriety of eſtabliſhing a ſcale of crimes, and a correſponding one of puniſhments, we will now proceed to ſhow the poſſibility of it.

There are no actions of that doubtful nature, as to require a moment's heſitation to pronounce whether they are good or bad, uſeful or otherwiſe to ſociety. The motive indeed may create a doubt; but as it is impoſſible to fathom the heart of man, the laws ſeldom go further, than to aſcertain the fact, and without heſitation decide the motive. This is abſolutely neceſſary; for if the laws were not to pronounce on general principles, the ſubject would be liable to endleſs different deciſions, at the op-

* Beccaria, chap. vi. para. 1, 2, 3.

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tion of the judge.* As this is the caſe we will ſuppoſe there are few crimes in this late age of the world, when "the heart of man "has been ſo long ſet to do evil continually," but what have been committed, and of courſe noticed by the legiſlature. Under that idea we muſt hope, that it is not a difficult matter to aſcertain a ſcale of crimes. Indeed every legiſlator has attempted it with more or leſs ſucceſs, according to his clear or confuſed notions of right or wrong. Formerly regal avarice or reſentment, and religious bigotry, have often caſt an influence in the balance, and created crimes which have no foundation in truth, but have ſerved to ſwell the black catalogue of ignorance, ſuperſtition, and hypocriſy. Fortunately this happy country has eſcaped better than others, and we muſt confeſs it with gratitude to the noble defenders of our liberties, that our laws require nothing more than a laſt poliſh, which no age or country were ever ſo calculated to receive as the preſent. But to ſubdue the hydra cuſtom is one of thoſe labours, which, like the Augean Stable, requires perſeverance, even in a Hercules; for the prejudices atten-

* Beccaria, chap. iv. para. 3—Bl. b. iv. chap. 29, p. 377.

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dant on antiquated notions are of that agueiſh nature, which chill the very medicine adminiſtered for their cure: they will adopt every ſhape of Proteus to overcome truth; and, like him, when deception proves vain, will glide away like ſhadows, and no one will own them.

The learned judge, Sir William Blackſtone, is the firſt writer who has attempted a complete liſt of the crimes which are the objects of our laws, and the puniſhments affixed to each. We will, therefore, make a table of this catalogue of human turpitude, in order to ſhow, at one view, how large a proportion are puniſhed with death; and at the ſame time, by the order in which they are placed, to affix ſome proportion between one crime and another, as ſeparated in its individual claſs; in doing which, we will deviate from the original in ſome degree, though not eſſentially.

1. DEPRI-

	Death.	Dismemberment.	Branding.	Whipping.	Pillory or Stocks.	Imprisonment and hard labour.	Transportation.	Banishment.	Fine.	Other punishments.
1. *Deprivation of Life.*										
1. The King (or to imagine it) — —	*									
2. The Queen — — —	*									
3. The Son and heir — — —	*									
4. The Chancellor, Treasurer, King's Justices —	*									
5. The Privy Counsellors in the execution of office	*									
6. Other persons with malice — —	*									
7. ——— without malice {except stabbing, which is death}	—	—	*							
2. *Offences against the State.*										
1. Levying war against the state — —	*									
2. Endeavouring to impede the succession —	*									
3. Adherance to the king's enemies — —	*									
4. Enlisting soldiers for foreign states —	*									
5. Writing or printing in derogation of the Act of Settlement, or of the power of parliament to limit the descent of the crown	*									
6. Counterfeiting the king's money — —	*									
7. ——— foreign money current here —	*									
8. ——— the great or privy seal —	*									
9. Forging the sign manual, privy signet, or privy seal	*									
10. Serving foreign states — — —	*									
11. Desertion from the king's army or navy —	*									
12. Maladministration of public trusts — —	—	—	—	—	—	*	—	*	*	Disability.
13. Violation of safe conducts — —	—	—	—	—	—	—	—	—	—	Arbitrary.
14. Infringement of the rights of ambassadors —	—	—	—	—	—	—	—	—	—	The same.

3. *Injuries to the Perſon.*

	Death.	Diſmemberment.	Branding.	Whipping.	Pillory or Stocks.	Impriſonment and hard labour.	Tranſportation.	Baniſhment.	Fine.	Other puniſhments.
1. Violating the king's wife (theſe are alſo conſidered as immediate injuries to the ſtate)	*									
2. ——— eldeſt ſon's wife (theſe are alſo conſidered as immediate injuries to the ſtate)	*									
3. ——— daughter (theſe are alſo conſidered as immediate injuries to the ſtate)	*									
4. Mayhem, and ſhooting at a perſon — —	*	—	—	—	—	*	—	—	*	
5. Wounding a perſon — — —	—	—	—	*	—	*	—	—	*	
6. Kidnapping, or ſtealing a man, woman, or child	—	—	—	*	—	*				
7. Forcible abduction and marriage, or defilement of an heireſs	*	—	*							
8. Rape, and carnal knowledge of a woman child under ten years of age	*									
9. Stealing and deflowering, or marrying any woman child under the age of fifteen years	—	—	—	—	—	*	—	—	*	Temporary forfeiture of land.
10. Affrays, or fighting in a public place —	—	—	—	—	—	*	—	—	*	
11. Aſſaults, or fighting in private — —	—	—	—	*	—	*	—	—	*	
12. Falſe impriſonment — —	—	—	—	*	—	*				

4. *Injuries to the public Peace.*

1. Tumultuous petitioning — —	—	—	—	—	—	*	—	—	*	
2. Riotous aſſemblies, to the number of twelve —	*									
3. Deſtroying turnpikes — —	*	—	*	*	—	*				
4. Riots, routs, and unlawful aſſemblies —	—	—	—	—	—	*	—	—	*	
5. Threatening by letters — —	*									
6. Forcible entry and detainer — —	—	—	—	—	—	*	—	—	*	
7. Appearing armed, or hunting in diſguiſe —	*									
8. Going unuſually armed — —	—	—	—	—	—	*	—	—	—	Forfeiture of arms.

9. Libels	—	—	—	—	—	—	—	—	*	—	Corporeal punishment.
10. Affrays	—	—	—	—	—	—	—	—	*	—	
11. Pretended prophecies	—	—	—	—	—	—	*	—	—	*	Forfeiture.
12. Pretence to witchcraft	—	—	—	—	—	—	*	—	—	—	
13. Challenges to fight	—	—	—	—	—	—	*	—	—	—	Forfeiture.
14. Spreading false news	—	—	—	—	—	—	*	—	—	*	

5. *Injuries to Trade.*

1. Forgery	—	—	—	*	—	—	—	—	—	—	
2. Fraudulent bankruptcy	—	—	—	*	—	—	—	—	—	—	
3. Owling, or transporting wool or sheep out of the kingdom	—	*	—	—	—	*	—	—	—	Forfeiture,	
4. Cheating	—	—	—	—	—	*	*	*	—	*	Tumbril.
5. Transporting artificers	—	—	*	—	—	—	—	*	—	*	Forfeiture. Incapacity. Becoming alien.
6. Smuggling, an injury also to the state	—	—	*	—	—	—	—	—	—	*	Loss of goods.
7. Monopolies, and combinations to raise the price of provisions		*	—	—	—	*	*	—	—	*	Infamy. Pain of premunire.
8. Engrossing, or extensively buying up provisions to sell again	—	—	—	—	—	*	*	—	—	*	Loss of goods.
9. Forestalling the market	—	—	—	—	—	*	*	—	—	*	Loss of goods.
10. Regrating, buying to sell again, but not extensively	—	—	—	—	—	*	*	—	—	*	Loss of goods.
11. Selling unwholesome provisions	—	—	—	—	—	*	*	—	—	*	Amercement. Abjuration.
12. Artificers residing abroad	—	—	—	—	—	—	*	—	—	*	Forfeiture. Incapacity. Becoming alien.
13. Usury, or taking unlawful interest	—	—	—	—	—	—	*	—	—	*	
14. Exercising a trade, not having served as apprentice	—	—	—	—	—	—	—	—	—	*	

6. *Offences againſt Public Juſtice.*

	Death.	Diſmemberment.	Branding.	Whipping.	Pillory or Stocks.	Impriſonment, and hard labour.	Tranſportation.	Baniſhment.	Fine.	Other puniſhments.
1. Oppreſſion by magiſtrates — —	—	—	—	—	—	*	—	—	*	Forfeiture of office.
2. Falſe verdict — — —	—	—	—	—	—	—	—	—	—	The judgment in attaint.
3. Embracery, or an attempt to influence a jury —	—	—	—	—	—	*	—	—	*	
4. Receiving ſtolen goods — — —	—	—	—	—	—	*	*	—	*	Infamy and
5. Perjury. — — — —	—	—	—	—	*	*	*	—	*	Houſe of Correction.
6. Obſtructing the execution of proceſs —	*	—	*	—	—	*	—	—	*	
7. Reſcue, or delivering a perſon from the hands of juſtice	*	—	*	—	—	*	—	—	*	
8. Extortion by public officers — —	—	—	—	—	—	*	—	—	*	Forfeiture of office.
9. Vacating records — —	*	—	*							
10. A gaoler. by too great dureſs, compelling a priſoner to become approver — —	*									
11. Bribery — — — — —	—	—		—	—	*	—	—	*	
12. Returning from tranſportation — —	*									
13. Perſonating others in courts of juſtice —	*	—	*	—	—	—	—	—		
14. Barretry, or to excite ſuits and quarrels —	—	—	—	—	—	*	—	—	*	
15. Taking reward to help one to his ſtolen goods —	*									
16. Conſpiracy to extort money — —	—	—	—	*	*	*	*	—	*	The villainous judgment.
17. Maintenance, or to ſupport a ſuit that does not belong to one — — —	—	—	—	—	—	*	—	—	*	
18. Champerty, or to ſupport a ſuit on condition of dividing what is gained — — —	—	—	—	—	—	*	—	—	*	Diſability.
19. Compounding proſecutions on penal ſtatutes —	—	—	—	—	*	—	—	—	*	
20. Theftbote, or taking goods again, on condition not to proſecute — — —	—	—	—	—	—	*	—	—	*	
21. Negligence of public officers — —	—	—	—	—	—	—	—	—	*	Forfeiture of office.
22. Breach of priſon — — —	*	—	*	—	—	*	—	—	*	
23. Eſcapes — — — —	*	—	*	—	—	*	—	—	*	

7. *Deprivation of Property, and the Attempt to deprive.*

1. Piracy — — —	*										
2. Burglary, or breaking and entering a houſe at night, with intent to commit a felony —	*										
3. Forcibly taking on the high-way, and putting in fear	*										
4. An attempt to rob on the high-way — —	*	—	*	—	—	—	*				
5. Carrying away goods above the value of 12d. from a church, dwelling-houſe, or booth — —	*	—	*	—	—	—	*				
6. Embezzelling the King's armour or ſtores —	*	—	—	*	—	*					
7. Breaking a houſe, and ſtealing 5s tho' no perſon is in it	*	—	*	—	—	—	*				
8. Stealing 40s. in a houſe or ſhop, without breaking, though no perſon is in it — —	*	—	*	—	—	—	*				
9. Privately ſtealing from the perſon above the value of 12d.	*	—	*	—	—	—	*				
10. Carrying away goods above the value of 12d. —	—	—	—	*	—	—	*				
11. Stealing to the value of 12d. only — —	—	—	—	*	—	*					
12. Concealment of treaſure trove — —	—	—	—	—	—	*	—	—	*		

8. *Contempts.*

1. Miſpriſion (or concealment) of treaſon —	—	—	—	—	—	*	—	—	—	Forfeiture.
2. Contempt againſt the King's title — —	—	—	—	—	—	*	—	—	*	
3. ——— perſon and government	—	—	—	*	*	*	—	—	*	Diſability.
4. ——— prerogative —	—	—	—	—	—	*	—	—	*	
5. Defence of the Pope's juriſdiction — —	*									
6. Miſpriſion (or concealment) of felony —	—		—	—	—	*	—	—	*	
7. Contempt againſt the King's palaces and courts of juſtice	—	*	—	*	—	*	—	—	*	Forfeiture.
8. Renouncing of allegiance — — —	*									
9. Reconciliation to the Pope, or any foreign power	*									
10. A natural-born Popiſh prieſt coming from beyond ſea	*									

9. *Offences against Religion.*

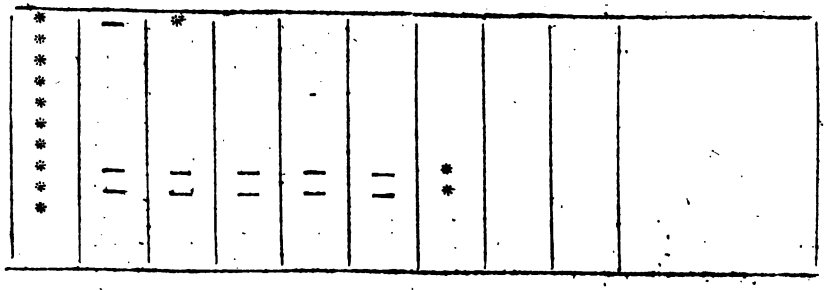
	Death.	Dismemberment.	Branding.	Whipping.	Pillory or Stocks.	Imprisonment, and hard labour.	Transportation.	Banishment.	Fine.	Other punishments.
1. Blasphemy	—	—	—	*	—	*	—	—	*	
2. Total irreligion	—	—	—	—	—	—	—	—	*	
3. Reviling the established ordinances	—	—	—	—	—	—	—	—	*	
4. Religious imposture	—	—	—	*	—	*	—	—	*	Sundry fines Temporary Suspen. and Forfeitures.
5. Simony, or a corrupt presentation to an ecclesiastical benefice	—	—	—	—	—	—	—	—	—	
6. Cursing and swearing profanely	—	—	—	—	—	*	—	—	*	
7. Drunkenness	—	—	—	—	*	—	—	—	*	
8. Lewdness	—	—	—	—	—	*	—	—	*	
9. Sabbath breaking	—	—	—	—	—	—	—	—	*	
Apostacy	—	—	—	—	—	*				
Heresy	—	—	—	—	—	*				
Protestant dissenting	—	—	—	—	—	—	—	—	—	Suspended. Incapacity, Double Taxes, Forfeitures, Abjuration of Realm Judgment of Felony.
Popery	—	—	—	—	—	—	—	—	—	

10. *Injuries to the Public Health and Economy.*

1. Irregularity in time of the plague or quarantine	*	—	*	*						
2. Polygamy, or having more wives or husbands than one	*									
3. Clandestine and irregular marriages	*	—	*							
4. Common nuisances	—	—	—	—	—	—	*	—	*	
5. Gaming	—	—	—	—	*	*	—		*	Infamy.
6. Idleness and vagrancy	—	—	*	*		—				
7. Destroying the game	—	—	—	*		—	—	—	*	

11. *Malicious Miſchief.*

1. Arſon, or burning a houſe, out houſe, &c.
2. Deſtroying ſhips
3. ——— dykes
4. ——— ſea and river banks
5. ——— coal mines
6. ——— garments
7. ——— hop-binds
8. ——— horſes
9. ——— cattle
10. ——— goods
11. ——— mile-ſtones, or lamps
12. ——— dogs



It has been ſaid, that there are no leſs than one hundred and ſixty different crimes which, by our laws, are made liable to be puniſhed with death.* It may be ſo; they do not, however, appear in the Commentaries. Shortened as the liſt is, it is a diſgrace to this nation, for we there ſee polygamy and murder—picking pockets and forgery—houſe-breaking and rebellion—horſe ſtealing, highway robbery, and parricide, puniſhed in the ſame degree; crimes which, thus coupled, appear ſo wonderfully diſproportioned as to ſtrike all our lawyers with regret and concern whenever they have written on the ſubject; and yet, under the idea that the evil was beyond their reach to correct, they have treated the attempt as romantic.†

If the attempt is never made, it is moſt certain the object can never be accompliſhed.—It reſts with the learned gentlemen of the long robe to reconcile it to reaſon, duty, humanity, and common ſenſe, that in no one inſtance have they, who ought to have taken an active and not a paſſive part in this moſt important taſk, done one thing towards it. Unleſs it is

* Bl. b. iv. ch. i. p. 18.
† Ibid.

recom-

recommended by the judges, the legiſlature will never take ſo important a ſtep, for the heart often trembles for events which the underſtanding muſt approve. In this ſenſe our judges may be called the keys which lock up all mercy from our laws.* The moſt perilous intricate path in life, if we have been there before, is trodden with leſs anxiety than the plaineſt road if known only by deſcription. Theſe fears are natural attendants on every thing which yet requires demonſtration: but if from the beginning, we had laid aſide, without trial, even all improbabilities, we ſhould now be without half the comforts and conveniencies of life. If it is urged, that the improvements which are now ſo perfect, were made by almoſt imperceptible degrees, it muſt be alſo added that expectation knew thoſe arts, thoſe ſciences, were in a beneficial progreſſion from their origin; and that lawyers have, with lamenting it only, ſeen our criminal code improve for deſtruction.

It has been the endeavour, in forming each claſs of the foregoing table, to graduate the offences, intended or actually committed, in-

* Becc. Introduction, para. 3.—Ibid, ch. xxxiv, para. 5.

dependent

dependent of the pecuniary loſs; for that is ſuppoſed to be reſtored, as in robberies, or the aggreſſor is liable to pay damages, as in libels. For when damage can be proved, the perſon who is the cauſe of it, is, or ought to be, liable to a civil action. It would be preſumption to ſuppoſe, that in this table, the degrees of each claſs are perfectly arranged; but it certainly is none to pronounce, that perſons, more verſant in legal diſtinctions, founded on reaſon and truth, may render them ſo. It is probable they would be actuated by the following reaſoning:

The firſt compact of ſociety is to live together under one rule of action, to diſſolve which is what conſtitutes a crime.

The 1ſt then in degree is by the deſtruction of the chief magiſtrate, or his ſucceſſor, or by doing an act which may lead to ſuch an evil,

As, 2d, by directly levying war againſt him,

Or, 3d, by an endeavour to render him contemptible,

Or, 4th, by defilement of thoſe women who may, in law, produce the ſucceſſion, and thereby render the title doubtful.

Or, 5th, by any other means to endeavour to render the regal poſſeſſion precarious.

The

The ſame diſſolution may be attempted in detail, which is conſequently not ſo dangerous to ſociety, becauſe it is an *indirect* attack on the *parts*, the other a *direct* attack, in the perſon of the king, on the *whole*. Each infringement of each law has a tendency to this effect, and the heinouſneſs of the offence is proportioned to the nobility of the part; againſt the king as the head, or the people as the limbs. Riots and tnmultuous meetings of all denominations are criminal in proportion to their object; the

6th, therefore, is to petition, or any ways to addreſs the king tumultuouſly; for it is a plauſible attempt to uſe compulſion to his perſon; the

7th, is any riotous aſſembly to force the doing of that, which either the laws forbid, or which they have decreed, and which, therefore, requires only a regular proceſs to accompliſh.

Injuries to the community are of more conſequence, in the eye of the law, than to an individual; and, therefore, in general, are treated with more ſeverity. But *perſon* is of more conſequence than *property;* conſequently

8th, the life of an individual; and then

9th, his limbs, ſhould be moſt ſacred. Then,

10thly,

10thly, may fairly come in the public property;

And 11th, that of private perſons.

We will, taking theſe rules as our guides for the purpoſe of elucidating our plan, ſuppoſe the arrangement to be what it is deſigned; and that the offence, which is placed at the head of each claſs, is the greateſt of that liſt. We will then take the firſt of each claſs, and, having arranged them by the above rules, we ſhall inſtantly perceive which is the higheſt offence, conſidered in its civil, moral, and political conſequences. We ſhall ſee that two out of the eleven are moſt unequivocally meriting the puniſhment of death, for the very exiſtence of a perſon, capable of executing, or even meditating ſuch crimes, is dangerous to ſociety; and that is the only reaſon that can juſtify the exerciſe of ſuch power. For if they lived, though confined in the ſtrongeſt citadel, they might, and probably would, have confederates in ſuch numbers as to render their eſcape certain. But, when we examine the other nine, we ſhall obſerve that is not the caſe with them; add them, therefore, to thoſe marked 2, and there we ſhall find one more,

more, at leaſt, that merits death, for the ſame reaſon as the former two; and ſeveral others which deſerve impriſonment during natural exiſtence. To what remains add thoſe marked 3; and, proceeding in the ſame manner, the whole catalogue may be thus culled, until the remainder will be found ſcarcely to merit a cenſure. It cannot be ſuppoſed they will invariably follow in regular ſucceſſion; there are many crimes, ſo equal in degree, that no reaſonable perſon can imagine a difference between them.

A ſcale of crimes thus graduated will be nearly perfect; at leaſt, there will be no ſuch groſs inconſiſtencies as exiſt at preſent. In regard to a correſponding ſcale of puniſhments, there is no difficulty whatſoever attending it; for if we begin by the utmoſt a human being can ſuffer in this country, which is deprivation of life; and end by the leaſt, or the loſs of property, we ſhall find a great many degrees between. We will ſelect the following out of thoſe now in uſe; for what has been ſaid before on the nature of puniſhment will greatly aſſiſt us here:

1. Death.
2. Whipping.

3. Impri-

3. Impriſonment.
4. The ſame, accompanied by hard labour.
5. Tranſportation.
6. Baniſhment.
7. Confiſcation of property.
8. Fine.

Though the puniſhment of death were applied only to the commiſſion of thoſe offences, where the ſimple exiſtence of the culprit is dangerous to the ſtate,* the reſt may be made to reach in a due proportion to every other crime. For the foregoing liſt can be ſo reduced, extended, or combined, as to be rendered almoſt infinite. Whipping, in civil caſes, as in military, may be exerciſed with various ſeverity; impriſonment and hard labour may be prolonged from one month, or leſs, to the end of life. This extenſion may, when the puniſhment is ſhort of death, or impriſonment for life, with great propriety be left in the diſcretion of the court, who alone are capable of judging of the degree of each offence, which muſt be collected from the evidence; for a contempt againſt a court of juſtice may be ſo aggravated as to be little ſhort

* Beccaria, chap. xxviii. para. 3.—Bl. book iv. ch. i. p. 9.

of

of treaſon; and irregularity in time of quarantine, though undoubtedly a great offence, and liable at preſent to be puniſhed with death, may, from its peculiar circumſtances, ſcarcely merit a fine. The object of the laws ſhould be—1ſt, To guard the ſubject from receiving an infamous puniſhment for a miſdemeanor which is not ſo.

2d, From a capital puniſhment for an inferior crime.—And—

3d, From an inferior puniſhment for a capital offence.

Theſe things guarded againſt, there is no danger that the ſufferer would be liable to a too lengthy impriſonment, whether accompanied or not by hard labour; for even though the judges had decreed ſuch a period as was diſproportioned to the offence; as for inſtance, ten years impriſonment and hard labour when five would have been fully ſufficient, ſtill in five years the paſſions and prejudices would cool and wear off, and then, as at preſent with baniſhment, impriſonment, and fines, the puniſhment might with propriety be curtailed, on a ſufficient proof that the priſoner had ſo ſubmitted and behaved as to render it probable he had profited by his ſufferings.

This

This is indeed, of itſelf, a moſt eſſential object; for when a perſon has committed a crime, it does not follow that he is paſt reformation; a thorough conviction that it had taken place ſhould certainly terminate his puniſhment, provided what he had ſuffered had been ſufficient to give an example to others. Encouragement to do well ſhould be in continual operation, even under correction itſelf. There cannot be a greater recommendation to any ſyſtem, than that every branch ſhould have a tendency to promote the original deſign. Indeed, every plan is defective in proportion as its parts are actively the reverſe, or even quieſcent.

Thus our preſent laws tend to promote crimes,

1ſt, By diſproportioned puniſhments.

2d, By fixing the ſame puniſhment to two different crimes, the greater of which has a tendency to conceal the leſſer.

3d, By admitting of impunity; as in an unconditional pardon, or an exchange from death to tranſportation, which is often, to a man rendered deſperate by diſtreſs, an enviable ſituation.

4th, By

4th, By confinement before trial in idleneſs and bad company; the former tending to hardened profligacy, the latter to an eſcape.

5th, The expenſe of proſecution.

6th, By allowing legal paſſages for eſcape.

7th, By proſcribing a man's character by viſible diſmemberment, public whipping, pillory, or the ſtocks.

8th, By legalizing, or rather by not prohibiting pawnbrokers, and other receivers.

9th, By want of attention to the morals of the poor.

10th, By permitting profligate characters to fill the religious miniſtry.

11th, By non-reſidence, and neglect of incumbents.

12th, By not affording to a poor or diſtreſſed man the means of earning a living.

13th, By a falſe economy in detecting crimes.

14th, By permitting mendicity.

15th, By ſuffering ſeditioniſts to eſcape puniſhment.

16th, By allowing temptations to lay in the way of poor people; as game, and wood in foreſts.

17th, By ſuffering the eſcape of fraudulent extravagant, and ſpeculative bankrupts.

18th, The ſale of ſpirituous liquors, and lottery tickets.

19th, By laying high duties on foreign commodities; and thereby encouraging ſmuggling,

Out of ſo many errors in our preſent practice, the 4th, 5th, 6th, 7th, 10th, 11th, 13th, 14th, 15th, and 17th, are now within the power of certain officers to correct, without one additional act of parliament. The 4th is in the power of the magiſtrates of counties, the ſheriffs, heads of corporations, or police officers—the 5th, 6th, and 7th, are in the courts of law—the 10th and 11th, in the biſhops—the 14th, in the pariſh officers and magiſtrates—the 13th, in government—the 15th, in the Attorney General—and the 17th, in every aſſignee to a bankrupt's effects. There is no danger but a reform of theſe errors will take place in time; the firſt ſtep towards amendment is to be ſenſible where the evil lies. But the ſubject muſt be agitated continually; for there is an indolence in the nature of ſome men, which looks with the utmoſt tranquillity on the wretchedneſs of others, in particular when it is evidently occaſioned by their own errors; it is a ſort of excuſe

cuſe for their want of feeling. There are few of us who are attentive enough to ſee, or ſufficiently candid to confeſs it when we do, that our honeſty is the offspring of our intereſt; for many a man is above the commiſſion of a crime, not from a deteſtation of the deed, but becauſe he can ſee that he ſhall ultimately gain nothing by it. This forbearance, however, though a negative virtue, is worthy of encouragement, and that legiſlation is the moſt perfect which, even in this reſpect, meets the moſt ſucceſs; for unſullied virtue is ſeldom to be found, therefore the very ſhadow merits ſome attention.

Thus we ſee, that the mercy of our criminal laws is only affectation, and more calculated to encourage crimes than ſuppreſs them.

Affording Employment to the Induſtrious.

WE have thus far treated of two methods of preventing crimes, encouragement to do well, and the dread of doing ill—we now come to the third, which is, by affording employment to the induſtrious* and to every other perſon who has

* Beccaria, ch. lx, para. 100

not the means of getting an honeſt living independent of labour; but, from what has been ſaid, there can be few arguments neceſſary to prove the propriety of what, as far as it goes, muſt tend, not only to our perſonal ſecurity, but national wealth.*

When the laws ſay "thou ſhalt not ſteal," they ſhould add, *thou ſhalt not ſtarve*,† for it is in vain to promulgate laws which are contrary to nature. We all know, that if a man cannot get food, he muſt ſtarve. If, then, he has none of his own, there are but three ways of procuring it—to earn it by labour—force it by ſtealth or robbery—or aſk it as alms. Suppoſe employment and alms to fail, the wretch muſt then neceſſarily ſtarve or ſteal; in the former inſtance we hear no more of him, in the latter he is either tranſported or hanged; the effect is the ſame to the country, the charge excepted, which in the latter inſtance is much in favour of our pecuniary and as little to our moral credit. Should he be able to live by begging, the tax on the public is the ſame, except the inequality of it, as if he had an annuity to that amount. But if

* Beccaria, ch. lxiv.
† Ibid. ch. xxxi. para. 21.

a perſon

a perſon begs, he muſt either be ſuppoſed to be in diſtreſs, and ſhould be relieved, or he is lazy, and ſhould be made to work. Or, in other words, he cannot work, and ſhould be ſupported; or he can work, but cannot find employment; for if not fed he muſt ſtarve, or he muſt ſteal and be hanged. Thus, whether he ſteals, begs, is tranſported, or fed in idleneſs, there muſt be an expenſe attending it: it is therefore much the better way, independent of morality and benevolence, to get ſome return for what is expended; and there is no other means than by an offer of employment on ſuch terms as will be an inducement for him to ſeek a living elſewhere. In ſhort, view it as we will, it is like the endleſs ſong of "War "begets poverty," which begins where it ends, and we may ring the changes as often as we pleaſe, the tune will be nearly the ſame: that beggars are, and ever have been, a peſt to this country, and, except Holland, to every other country in Europe; and it is time we put an end to the evil, by the only means in our power, *affording an unſolicited aſylum for diſtreſs*. If, under a rigid diſcipline, the aſylum was empty, the very end required would be obtained.

After a war, when a number of regiments are diſbanded, and ſhip's crews diſcharged, it is the duty of the country to ſupport them, till they can find employment: here an aſylum would be of infinite ſervice; for it is ſhameful that we ſhould force a poor fellow on board a tender from a regular courſe of induſtry; keep him from his connections and friends during a long war, and then diſcharge him to ſtarve or to ſteal, at a time when the merchant ſervice is ſo overcharged with hands that he cannot find a ſhip. Such conduct is little conſiſtent, either with our love of liberty, or our religious duty; and undoubtedly when a man ſuffers capitally, in conſequence of ſuch a train of injuſtice, thoſe laws which condemn him are guilty of murder. If he was employed for a few months, until the merchant ſervice got into its accuſtomed courſe, there would be no fear of his ſtaying longer than he was obliged; for ſeamen ſoon grow weary of ſculking, as they term it, on ſhore.

The lawyers of this country have laboured very hard to prove, that preſſing ſeamen is a legal meaſure; for though it is not poſitively eſtabliſhed by act of Parliament, yet there are ſeveral which indirectly countenance it; and the

the want of a ſubſtitute renders it abſolutely neceſſary. It is a needleſs trouble to found a diſpute on words alone. Whether it is poſitive law, or legal by implication only, amounts to the ſame thing: the practice has been ſo thoroughly eſtabliſhed, that it is almoſt become a part of the common law. The meaſure is proper, if it is either *abſolutely out of our power to avoid it without riſking the loſs of the empire*, or if *by reciprocity it is rendered juſt and reaſonable*.

This country is ſo peculiarly ſituated, that we never neglect our navy without riſking our national proſperity; and ſo ſenſible are Engliſhmen of its importance, that a wiſe and prudent miniſtry will always build their popularity on its ſucceſs. Whenever, ſince it has poſſeſſed a navy, this country has imprudently ſupported her pretenſions by any continential war whatever, the reſult has always uniformly been, either ruinouſly expenſive, unfortunate in the iſſue, or both. Whether by ſecuring her from total ruin, or by making her triumphant, the navy has been her leaſt expenſive and beſt ſupport in all misfortunes. Prejudice then, for once, is founded in truth; for the whole Britiſh empire, on this ſubject, has but one voice, which

cannot be too often or too loudly re-echoed, THAT OUR ARMY, WHEN FROM HOME, SHOULD NEVER LOSE SIGHT OF A PENNANT. Fortunately, the great ſuperiority of our navy is occaſioned by a more extenſive commerce than is enjoyed by any other country; and mutual ſupport has ſo united their intereſts, that what belongs to one cannot be ſeparated from the other. If, therefore, a war ſhould break out, it is abſolutely neceſſary the navy ſhould be manned from the merchants ſervice; becauſe there are no ſailors to be got, except from that quarter; for the maintenance of a naval eſtabliſhment in peace, equal to our defence in war, would be impoſſible, as well on account of the expenſe to us, as the jealouſy of other nations.

There are ſeveral reaſons which render it difficult to get volunteer ſeamen for the navy,

Small wages,
Dread of ill uſage,
Confinement to one ſhip, and that long together.

If a man has a wife and family, a large bounty is no object to him, unleſs he is a worthleſs

leſsfellow, and then he is ſure to take the bait; but the moſt orderly and beſt ſeamen, like men in other ſtations in life, have attachments with whom they wiſh to divide the fruits of their induſtry. The merchants ſervice, therefore, on account of ſuperior wages, will always attract the generality of good ſeamen. Were it poſſible for the navy to give higher wages than the merchants, and all other circumſtances were equal, there would exiſt no difficulty; but that cannot be; for though the navy ſhould double their wages, the merchants would ſtill keep above them; for until the expenſes exceed the profits, trade will be carried on, and then only will it ceaſe. Such a meaſure therefore, if it were practicable, would not only be the ruin of trade, but the conſequent annihilation of that revenue by which alone the navy is upheld; on the ſupport of which depends the very being of a ſeaman.

It is a very great miſtake to ſuppoſe it neceſſary to uſe ſailors harſhly. It is certainly proper to treat them with frankneſs, and without deceit; with ſteadineſs and reſolution; to let them feel command, but to make them, at the ſame time, moſt thoroughly ſenſible that their intereſts are not neglected. It requires a leſs

ſhare

ſhare of good ſenſe to order a man a round dozen, than to give reaſonable directions, and enforce them by ſteadineſs. Flogging for every trifle has, in times paſt, been too common a practice, and the general opinion of it is ſo rooted, that it will be ſome time after the practice is changed before ſailors will be willing to try the experiment.

In peace, ſailors are ſo habituated to make ſhort voyages, to go on ſhore, and change veſſels at the end of each, that they dread the thoughts of a rigid confinement on board the ſame ſhip for years. It cannot be wrong, therefore, to accommodate their prejudices where they are not materially inconvenient or detrimental to the ſervice; and ſailors are ſo eccentric and valuable a ſet of people; and, when they are treated with confidence, ſo inclined, in general, to make a proper return, that it appears worthy of trial, by ſome means or other, to give them the liberty of a range. They ſhould, at leaſt, never be preſſed from an Eaſt India voyage; that practice is both cruel and unneceſſary.

We muſt, on the whole, confeſs it to be a great hardſhip, that ſailors alone, of all the Britiſh

Britiſh ſubjects, ſhould be liable to have their liberties invaded, and treated; beſides, in ſuch a manner, as would make a ſtranger conſider them as abſolute ſlaves; and this unattended by any ſuperior advantage in the profeſſion, (for it is a life of continual hardſhip and danger) but ſolely in order to ſecure the liberties and property of the whole empire. This infringement of their particular liberties ought to entitle them to ſome excluſive privileges; inſtead of which, when they are no longer wanted, they are turned looſe to ſpend the little money they have, and then to beg, ſteal, or ſtarve.

In the year 1791, at the end of the armament againſt Spain, veſſels were provided to carry them back to their ſeveral ports; and as a war did not actually happen, there reſulted no ill conſequences from it; becauſe at that time very little change had taken place in the trade of the kingdom: but it cannot be the caſe immediately after a war; for a ſeaman muſt wait many months until he can find a birth.

On the whole it appears fair, that as they are obligated to give up ſo much for the advantage of the nation, ſailors ſhould meet with a particular attention, and expenſe ſhould be no object

wher

when their comfort and accommodation are in view. It is to ſecure the liberty and the wealth of the nation, that their natural rights are violated; the neceſſity of the meaſure ſo far renders it *a proper one*. To ſecure them from ſtarving or from the gallows, the nation ſhould, as a ſmall return, beſtow ſome of her wealth; when that is done, and not till then, the meaſure is in ſome degree tolerable; it can only be termed *juſt and reaſonable* when they enjoy excluſive privileges adequate to their excluſive ſufferings.

ON

ON THE PRESENT MANAGEMENT

OF THE

PAROCHIAL POOR.

WE have thus far attempted to ſhow from what cauſes ariſe the poverty and wretchedneſs of individuals, and have endeavoured to prove, that crimes, to a great exceſs, being the conſequence, it is become abſolutely neceſſary ſome regulations ſhould be adopted, in order to render thoſe of benefit to themſelves and ſociety who at preſent are the greateſt injury. From what has been ſaid on education, it is evident, that literary, religious, and moral attentions to the poor are abſolutely neceſſary; that great benefits might be derived from an extenſion of the plans of thoſe various humane ſocieties, which at preſent exiſt; that, in regulating the neceſſaries of life, we ſhould eſſentially aſſiſt our manufactures, and thereby prevent that ſudden diſmiſſion, which diſtreſſes poor people to a very great degree; that, by ſome more diſ-

creet attention to the taxes, that is, by omitting ſome and adopting others, the morals of the poor would be more ſecure from temptations than they are; that, by ſoftening the rigidity of our criminal laws, and altering the mode of puniſhment, there would be fewer neceſſities for pardon; and, by narrowing the avenues of legal eſcapes, fewer crimes would be committed in hopes of impunity. We will now endeavour to point out the evils which ariſe from the preſent management of the parochial poor.

It is a very great error to ſuppoſe, that a civilized ſociety can poſſibly exiſt without a large proportion of poor, unleſs upon the plan of the ſmall Moravian communities, who poſſeſs all their goods in fellowſhip, live without the means of defence, and contrive, in their education, which is very ſevere, to ſubdue all thoſe paſſions, which, if well regulated, conſtitute the great happineſs of life; or in that ſociety of the inhabitants of Paragua, where the common neceſſaries for their exiſtence were given to the people under the direction of the Jeſuits; and the ſuperfluity appropriated by thoſe crafty religious, to the aggrandizement of their order. We know, that a large proportion of the people of Rome were, in the time

of the republic, long ſupported by donations from the rich; who, at the elections for magiſtrates, made uſe of that means to ſubdue their liberties, and thereby erected the moſt intolerable tyranny that ever exiſted, till of late years, on this globe. Happy for us, we have juſt ſo much of the elective in our government as is neceſſary to keep under the ſtrides of regal power, but dreadful will the conſequences be, ſhould it eſſentially increaſe. The largeſſes given to the Roman people did not ſecure thoſe who received them from poverty; on the contrary, they only tended to increaſe their numbers, for there is an improvidence in the great maſs of mankind, which dreads exertion, and will ever procraſtinate the induſtry they ſo much diſlike.

Every free gift to poor people is a bounty to encourage idleneſs, the aliment on which it feeds. To give them food in hard winters, or when proviſions have taken a ſudden riſe, frequently occaſions a loſs of time in going for it of greater value than the gratuity itſelf, and often produces murmurs and diſcontent ariſing from fancied partiality. I have known the bounty of an opulent family to the poor of a village create animoſities, both durable and ſevere.

ſevere. To furniſh proviſions and fuel at the accuſtomed price when thoſe articles are dear, and even at a lower price, when work is ſcarce, may be real charity, and much more economical than to raiſe the price of labour; for the former will ceaſe on the return of plenty, but wages can never be lowered. To raiſe wages is to add to the price of every article of food and cloathing in a double proportion, by the ſame rule as a tax of half a farthing will cauſe a riſe of a whole one. (Page 153.)

To lend money, or the worth of it, to the poor, is an injurious method of relief, unleſs you take the moſt ample ſecurity for repayment. The ſecurity taken ſhould not be ſuch perſons as would ſuffer materially in their circumſtances by the loſs, for in either caſe to ſue for the amount would create murmurings, and, in many inſtances, be attended with danger. I have not a doubt but the moſt infallible method of creating a rebellion would be to lend among the poor, throughout a whole county, the ſum of ten thouſand pounds in ſmall portions, and immediarely ſue on default of payment. The famous Dr. Swift, dean of St. Patrick's, notwithſtanding his great knowledge of human nature, was once the dupe of his

his humanity in this very experiment. He lent, I think it was, 300*l.* in ſmall ſums, to a number of poor people, and never could recover it again; his reſentment getting the better of his prudence, he threatened compulſion, but was ſoon convinced it would be dangerous to attempt it. A lady, well known among the quakers, herſelf of that perſuaſion, and now no longer here to bleſs ſociety by her ample fortune, her extenſive charity, and goodneſs of heart; and to pleaſe them by the moſt elegant and eaſy manners, enlivened by uncommon beauty, cauſed a number of linen ſuits to be made, in order to accommodate lying-in women at their own houſes, which ſhe lent with that philanthropy which was conſiſtent with her own unſuſpecting innocence. In conſequence ſhe loſt them all, for they were either pawned, torn up for other purpoſes, loſt, or ſtolen. She did not, however, in peeviſh reſentment curtail her bounty, her good ſenſe ſoon diſcovered an eaſy remedy:—every one who borrowed a ſuit in future, procured ſecurities for the ſafe return.*

* To thoſe who are diſpoſed to exerciſe this ſpecies of charity, and particularly to pariſhes, I would recommend not only this precaution, but that they ſhould have the articles made of coloured ſtriped linen of one thread in one hundred, both in ſhoot and warp, or uſe ſome particular all-over ſtamp, or other mark, to prevent this knavery.

Theſe two inſtances, among many others which might be adduced, are proofs that gratitude is not a prominent feature in the poor. Indeed, however repugnant to our love of ſentiment it may be to acknowledge ſo much depravity, it muſt be confeſſed, that mankind, either as public or private characters, are not remarkable for this virtue; the apologies may ſometimes be, that the return expected is often immoderate, ſometimes it is prematurely demanded, and with importunity perhaps, and often expected when out of our power. Thus it may happen to poor people, the loan is made to thoſe who are vicious, extravagant, or idle; or who, being without controul or advice, form projects which are improvident in the principle or in the extent. To re-demand payment when the money is ſpent is uſeleſs, and only adds to the diſtreſs which this thoughtleſs loan originated. To lend money with propriety, without ſufficient ſecurity, we ought to be intimate with the method in which the ſum is to be applied, and alſo with the moral principles and the habits of the borrower. Without ſuch precautions a breach of promiſe will generally be the conſequence.

There are many pariſhes which give money to the poor when they have more than a certain number of children; this is not a politic method of relief. It would be much better for the pariſh to eſtabliſh a ſhop, in which ſhould be ſold, all the *real* neceſſaries of life; and give the pauper the power to purchaſe, daily or weekly, certain articles to a fixed amount, according to his family, at ſuch rates as ſhould enable him to ſupport them comfortably. When money is given, it goes to buy liquors, to purchaſe other improper articles, and it often tends to make the parents idle and improvident. It ought to take place only where there are unuſual numbers of children, and then from ſuch a fund, as muſt make it a continual remembrance of the obligations, as that for inſtance mentioned in page 157.

Where oſtentation is the motive for charity, theſe nice diſtinctions appear trifling; but they often influence the actions of mankind more than circumſtances of a groſſer nature. As the public act from other views than individuals, the utmoſt ſtretch of human prudence ſhould be exerted in all tranſactions which have a general operation; eſpecially in what may affect that part of the public, whoſe ha-

bits and manners have been formed from time immemorial.

When individuals are induced to give, they ſometimes are acted upon by importunity, and often beſtow injuriouſly rather than take the pains to make a proper inquiry into the merits of the object. But the public charity ought not to be ſo expended. A benevolent mind will, by mere induſtry, do more real charity without giving a ſingle penny, or even the amount of it in goods, than an indolent perſon by profuſely giving thouſands to all who aſk. It is not, nor can it be too often repeated, the quantum of what we give, but the article we give it in, that conſtitutes charity. To give a delicacy to a poor family is worſe than to throw it away; a uſeful article of food would be more valuable, though the former coſts ten times its price. Give the poor money, we give them delicacies, and ſometimes worſe; for their taſtes, both in pleaſure and appetite, are often of that nature, which prefers what is moſt pernicious to their healths and morals. But when we define the articles of our charity, and fix them to what is uſeful, and to what ought to be the ſole end of the donors, we put it out of their power to abuſe it. If we give

proviſions

proviſions or cloathing to the poor, we put it in their power to diſpoſe of them for money, and certainly at an under price, for who will take the trouble to buy of them what is to be ſold again to others, unleſs it is attended by ſome advantage which cannot be procured at the next ſhop? But if we ſell to them at an inferior price, and limit the amount according to the numbers and the neceſſities of the family, we do them all the real benefit intended to be done by giving money, and we at the ſame time obviate all abuſe of the charity; for when they have thus purchaſed this food or cloathing, what can they do with it, but eat the one, or keep themſelves warm with the other.

Government and the laws ſhould do juſtice, but never more, in every tranſaction that regards the public at large, and they never ſhould relax diſcipline, or throw out a temptation which can induce individuals to abridge that exertion to become independent, which, collected in a maſs, forms the only riches in a ſtate; the trueſt principle of charity is to ſtrengthen exertion, and not unnerve it by a bounty on idleneſs and debauchery.

We ſhould alſo give in ſuch a way as ſhall leave us room to retract from error; but if otherwiſe, we not only loſe in the firſt inſtance, but commit a durable injury, which gives a handle for reſentment where we intended to afford a benefit; or elſe we ſubject ourſelves to exceſſive expenſes, attended only by regret, in ſubmitting to draw lots amidſt a choice of difficulties.

Our poor rates originated from the deſpotiſm of Henry the Eighth, who having ſeized on and profuſely given away the revenues of the monaſteries and abbies to his favourites, Elizabeth and her predeceſſor found the poor deſtitute, who had formerly been ſupported in idleneſs by the clergy, who, in return, were upheld in their pride and arrogance by the ſuperſtition of their dependants; at length the poor became riotous for want of their accuſtomed ſupport, and the legiſlature therefore obliged each pariſh to maintain its own poor, and ſo it has continued ever ſince.—Thus it has become obligatory by law for the public to provide for thoſe who cannot do it themſelves, and though

though they poſſeſs no other right than what the law gives them, the poor may aſk it on the plea of humanity, and we muſt grant it from policy.

Expenſive vices and a taſte for pleaſure in a part of the community, contraſted by parſimony and induſtry in the others, will of themſelves create poverty and riches. Were theſe riches equally diſtributed, and each man poſſeſſed 20,000*l.* the whole community would be all poor and equally wretched. Every man muſt be his own ſcavenger, and each one, as among the Moravians, muſt do his own domeſtic work. What advantage then would he derive from his property?

Our object therefore is not to attempt impoſſibilities by endeavouring to make all rich; but to do all we can to decreaſe the number of poor, and to forward that man's efforts to riſe who has the misfortune to be in a humble ſphere, and to oblige thoſe to exert themſelves who have not the inclination. This they ought to conſider as charity, founded on the pureſt principles, and be thankful for it, but it is far otherwiſe; enormous as the poor's rates are, there is nothing but diſcontent in thoſe who

receive, and in thoſe who by law are obliged to give. No wonder it is ſo, for real charity does not conſiſt in the amount of the ſum given ſo much as in the ſelection of objects.

There are great miſtakes on the part of the poor, as there is undoubtedly ſomething to complain of in the conduct of the officers; like every thing of the kind, there is much to be ſaid on both ſides; but though we may excuſe what is wrong, it does not follow we ſhould leave the evils uncorrected. The claim which the poor make on the public for ſupport, is founded on their having ſometimes paid the parochial taxes, or what is termed ſcott and lott, during forty days, or elſe by being born in the pariſh of parents who have ſo gained a ſettlement, or having been in ſervice a year.*

The former who have been houſe-keepers, and from ſome misfortune are reduced in pecuniary circumſtances, if they cannot maintain themſelves, have a fair claim on the community for ſupport, becauſe they formerly paid a portion of thoſe rates which they now, being in diſtreſs, requeſt to have returned. There is a

* Blackſtone, b. i, ch. ix, pa. 362.

very

very eſſential difference between theſe two claſſes of poor in the claims they make on the public:—the one, who never contributed to the neceſſities of others, has no moral cauſe of complaint if he were to meet a refuſal; the other, in equity, has a fair demand: or in other words, if one receives ſupport, he has it from charity, the other from juſtice. Let any one for a moment conſider how horridly diſguſtful it muſt be for a perſon reduced to diſtreſs from a creditable ſituation, if not from affluence, to go into a pariſh poor houſe; in loſing property we do not part with ſenſibility. Many, rather than ſubmit to it, have committed ſuicide, or have ſtarved to death.

The evils attendant on the preſent ſyſtem are—

The inequitable diſtribution of the pariſh charity.

The uncomfortable ſupport of the invalid poor.

The improper management of thoſe who are able to work.

Generally ſpeaking, equity is no ways connected with the preſent management of the poor. The object is to get rid in the eaſieſt manner

manner of the moſt unfortunate of human beings, thoſe who depend on the compulſatory charity of a pariſh. The management is as various as the pariſhes themſelves. Their economy and diſcipline are the effect of the momentary impulſe, ſometimes right and often wrong, of the pariſh officers. Each has his particular favourites, and in courſe prejudiced ideas of others neceſſities; not infrequently very partial ones of his own time and attention. The levee of an overſeer of the poor is as duely attended as that of the miniſter of ſtate, and with the ſame inſinuating arts to obtain, ſometimes an indulgence, often a ſinecure. By this means there is no regularity, no fixed ſyſtem, no real diſcipline. The regulations change at the caprice of the annual new officer, who ſometimes overturns what his predeceſſor has done, and ſubſtitutes a theory of his own, equally erroneous as the former.—The poor are in conſequence liable to be ſent about from one tyrant to another, ſcolded at wherever they go, and at laſt, perhaps wearied out with fruitleſs attendance, retire to their miſery, and die of want; or elſe they get into the work-houſe, which in general is a ſcene of idleneſs, and often drunkenneſs. If the pariſh is ſmall, nothing is more common than to ſet up each

poor

poor perſon, at a retrograde auction; that is, the pauper is put up by name to be bidden for; and the perſon who will undertake to ſupport him, at the leaſt expenſe, conveys him home, to make the moſt of his bargain.—Such are the evils attending pariſh management to the poor themſelves.—The accumulation of the taxes for their ſupport, and the increaſe of crimes, are the injuries which derive to the public.

If a poor perſon is able to do ſome work, and applies for pariſh relief, even though he never contributed a farthing to the rates, it is proper he ſhould receive it; and, in return, he ought to give as much labour as poſſible, to compenſate, in ſome meaſure, for that ſupport. If he will not work, he ſhould be recloathed in his old rags, and expelled the houſe. But inſtead of neceſſary diſcipline, the time of the poor is laviſhly ſpent, as of little or no value; they are ſent on trifling meſſages, without the walls, and thereby have an opportunity of procuring liquor themſelves, and introducing it to thoſe within. This is the caſe when none are intereſted except the pariſh at large. It ſometimes happens that they are employed for the profit of the overſeer of the

work

workhouſe, who makes the beſt bargain he can with the pariſh officers. In conſequence the poor are worked to the utmoſt, and often harder than they ought to be; this neceſſarily breeds diſcontent, ſometimes, therefore, it is well founded, but not unfrequently otherwiſe; for as none would wiſh to work, if they could avoid it, invention is always on the watch to create grounds of complaint.

It is not proper to commit the relief of the poor, or the rejection of their petitions, to the diſcretion of any one; becauſe a deſerving object may ſuffer from remembrance of former reſentments, and the undeſerving may receive more than they are entitled to. In ſhort, it is beſt,

That every deſcription of poor ſhould have the liberty to demand ſupport, whenever they think proper.

That the community ſhould in return have the power to demand their labour, and apply it as they pleaſe.

That their capability ſhould be aſcertained, by medical and ſurgical opinion.

That, except in a caſe to be hereafter mentioned, there ſhould be no out-penſioners.

That

That their cloathing ſhould be a uniform; comfortable, but coarſe and ſtrong.

That their food ſhould be nutritious, but plain, and regulated by a table.

That their friends ſhould be allowed to ſee them at proper times; but that, whilſt objects of the charity, they ſhould never go out of the walls, on any pretence whatever, without leave from the principal director, and that as an indulgence for good behaviour.

That a perſon who had ever introduced liquor ſhould not again be admitted as a viſitant, or, if a pauper, ſhould never again be indulged with leave of abſence.

This would certainly be rigid diſcipline, and it is all that is neceſſary to command ſucceſs; for it is to be obſerved, that the object ſhould be to invite the ſervices of the poor, that they may be induced to believe there is a profit to be derived from them; which, if properly managed, would certainly be the caſe; treat them humanely, from real principle, and alſo to avoid ſcandal, and yet make it their intereſt to keep away, and provide otherwiſe for themſelves. When people in low life find their labour at home harder than they are likely to experience in the workhouſe,

they

they now ſlacken their exertions, in order to get there: but when they found they would *there* be obliged to uſe as much induſtry as would ſupport them at home, without a chance of ever being able to indulge in drunkenneſs, or the liberty of ranging abroad, there is little fear but real neceſſity would bring them to exertion.

Intereſt influences our conduct, from the higheſt to the loweſt; and though drunkenneſs will have no charms to a ſober perſon, it undoubtedly is ſo great an object to thoſe who are habituated to it, as to induce them to run the riſks of even life or puniſhment, and to volunteer the hardeſt labour to indulge in it. Any perſon well acquainted with the cuſtoms and manners of ſoldiers and ſailors, muſt have witneſſed inſtances of a ſurpriſing nature of this rage for liquor. The poor will often think it preferable to work for an individual, even without other reward than cloaths and victuals, where there is a chance of ſometimes procuring liquor, than to work for the public without that chance. Theſe conſiderations will operate intereſtedly on the greater part of the pariſh poor, and make them exert every talent to keep out of the workhouſe: and yet the

the moſt ſympathetic philanthropiſt, if he were candid, could never complain of the above regulations, for they furniſh all that is neceſſary in life; lodging, food and raiment, and all of the beſt; and lay a reſtraint with no view but to promote morality. Syſtem, method, and diſcipline, are abſolutely neceſſary to the well doing of every thing; but, without them, the expenſes of every buſineſs are needleſsly increaſed, and there is no ſatisfaction to any one concerned. This regularity can never be obtained ſo long as the management of the poor is intruſted to pariſh officers, more eſpecially if they are elected, and that annually; becauſe they generally are people of circumſcribed ideas, perſons of little or no education, and often by indirectly, at leaſt, furniſhing the articles of conſumption, become intereſted in increaſing the expenſes. They are choſen annually, and ſcarcely become acquainted with the duties of their office before they are out of place, to make room for others, who take it either by compulſion or from intereſt. Can it be ſuppoſed that people in trade, who are not intereſted, will, but from compulſion, accept an office to which there is attached ſome reſponſibility, and in which they muſt ſacrifice a great deal of time; an employment

ment of the moſt unthankful and diſguſtful nature; that they will meet at a tavern (for it is there that pariſh affairs in general are tranſacted) without charging to the public, at leaſt, the expenſes of the day? No, it is contrary to the general practice of the world, and, therefore, ſhould not be expected. Make it the intereſt of thoſe employed to be alert and honeſt, and we are ſure of them.

A Plan

A PLAN

Propoſed for uniting the POOR *and* CRIMINALS *in one Syſtem of Employment.*

IN order to effect this purpoſe we will divide the objects of our attention into the following claſſes:—

1ſt, Such as *have* contributed to the poor's rates, and have become unexpectedly diſtreſſed.

2d, Such as have no other claim but preſent diſtreſs, having never contributed, or in a very trifling degree, to the poor's rates, and who are able to work.

3d, That part of the 2nd claſs unable to work:

4th, Itinerant poor who have no ſettlements, or which being at a diſtance require immediate ſupport; including ſoldiers and ſailors diſcharged after a war.

5th, Beggars to whom ſome compulſion is neceſſary.

6th, Criminals, who require not only compulſion, but loneſome ſecurity.

7th, The ſick of all denominations; to be lodged in ſeparate wards.

By this diviſion the moſt capable of the 2nd and 4th claſſes may be employed in taking care of the 3d and 7th, and in doing many material ſervices about the 5th and 6th, which will greatly economiſe the plan.

The neceſſary buildings will be—

A workhouſe for the 2nd and 4th claſſes not otherwiſe employed.

A priſon and penitentiary houſe for the 5th and 6th ditto.

An hoſpital for the 7th.

A retreat for the 3d.

As it can never be expected that criminals will exert themſelves but by compulſion, they muſt not be put to any labour, except that which is unattended by ſkill; they ſhould, therefore, be employed as the elements, whoſe influence is progreſſive, and it entirely depends on the ſkill of the mechanic to apply them to advantage.

The impulſive exertion which a man in health can practiſe, during the uſual period of a day's

a day's labour, according to the beſt writers on mechanics, and proved from daily experience, is about fourteen pounds weight.* We may therefore take this data to calculate the force of any machine it may be thought proper to erect. Five men are equal to the powers of one horſe; and a ſteam engine equal to the power of 50 horſes, is, I believe, the largeſt that ever was erected; it would, therefore, take 250 men to produce a power equal to ſuch a machine, or a continued operation of 3500 pounds weight. In a cotton mill, for inſtance, ſuch an engine would employ 1200 people, including all the branches of the manufacture, previous to the ſale in the piece. The ſupport of 250 priſoners at ſixpence each a day is 6*l.* 5*s.* which is far leſs than the diurnal coſt of ſuch a ſteam engine, when every expenſe is included. I think ſuch an engine as this would be unwieldy; beſides it is a maxim in mechanics, that the larger a machine the leſs is its proportioned ſtrength. It would, therefore, anſwer the purpoſe better to erect as many for 50 men each, as might be required.

* Emerſon, in the 3d edition of The Principles of Mechanics, page 177, makes the averaged powers of men to be 27lbs. but he is certainly miſtaken.

on which the ſovereignty and laws are founded. The laws, as I have ſaid before, are only the ſum of the ſmalleſt portions of the private liberty of each individual, and repreſent the general will, which is the aggregate of that of each individual. Did any one ever give to others the right of taking away his life? Is it poſſible, that in the ſmalleſt portions of the liberty of each, ſacrificed to the good of the public, can be contained the greateſt of all good, life? If it were ſo, how ſhall it be reconciled to the maxim which tells us, that a man has no right to kill himſelf? Which he certainly muſt have, if he could give it away to another.

Par. 2. But the puniſhment of death is not authoriſed by any right; for I have demonſtrated that no ſuch right exiſts. It is therefore a war of a whole nation againſt a citizen, whoſe deſtruction they conſider as neceſſary or uſeful to the general good. But if I can further demonſtrate, that it is neither neceſſary nor uſeful, I ſhall have gained the cauſe of humanity

Par. 3. The death of a citizen cannot be neceſſary, but in one caſe. When, though deprived

deprived of his liberty, he has ſuch power and connexions as may endanger the ſecurity of the nation, when his exiſtence may produce a dangerous revolution in the eſtabliſhed form of government. But even in this caſe, it can only be neceſſary when a nation is on the verge of recovering or loſing its liberty; or in times of abſolute anarchy, when the diſorders themſelves hold the place of laws. But in a reign of tranquillity; in a form of government approved by the united wiſhes of the nation; in a ſtate well fortified from enemies without, and ſupported by ſtrength within, and opinion, perhaps more efficacious; where all power is lodged in the hands of a true ſovereign; where riches can purchaſe pleaſures and not authority, there can be no neceſſity for taking away the life of a ſubject.

Par. 4. If the experience of all ages be not ſufficient to prove, that the puniſhment of death has never prevented determined men from injuring ſociety; if the example of the Romans, if twenty years reign of Elizabeth, Empreſs of Ruſſia, in which ſhe gave the fathers of their country an example more illuſtrious than many conqueſts bought with blood; if, I ſay, all this is not ſufficient to perſuade man-

mankind, who always ſuſpect the voice of reaſon, and who chuſe rather to be led by authority, let us conſult human nature in proof of my aſſertion.

Par. 3. It is not the intenſeneſs of the pain that has the greateſt effect on the mind, but its continuance; for our ſenſibility is more eaſily and more powerfully affected by weak, but repeated impreſſions, than by a violent, but momentary impulſe. The power of habit is univerſal over every ſenſible being. As it is by that we learn to ſpeak, to walk, and to ſatisfy our neceſſities, ſo the ideas of morality are ſtamped on our minds by repeated impreſſions. The death of a criminal is a terrible but momentary ſpectacle, and therefore a leſs efficacious method of deterring others than the continued example of a man deprived of his liberty, condemned as a beaſt of burthen, to repair by his labour the injury he has done ſociety. *If I commit ſuch a crime*, ſays the ſpectator to himſelf, *I ſhall be reduced to that miſerable condition for the reſt of my life.* A much more powerful preventive than the fear of death, which men always behold in diſtant obſcurity.

Par.

Par. 6. The terrors of death make ſo ſlight an impreſſion, that it has not force enough to withſtand the forgetfulneſs natural to mankind, even in the moſt eſſential things, eſpecially when aſſiſted by the paſſions. Violent impreſſions ſurpriſe us, but their effect is momentary; they are fit to produce thoſe revolutions which inſtantly transform a common man into a Lacedemonian or a Perſian; but in a free and quiet government they ought to be rather frequent than ſtrong.

Par. 7. The execution of a criminal is, to the multitude, a ſpectacle, which in ſome excites compaſſion mixed with indignation.—Theſe ſentiments occupy the mind much more than that ſalutary terror which the laws endeavour to inſpire; but in the contemplation of continued ſuffering, terror is the only, or at leaſt predominant, ſenſation. The ſeverity of a puniſhment ſhould be juſt ſufficient to excite compaſſion in the ſpectators, as it is intended more for them than for the criminal.

Par. 8. A puniſhment, to be juſt, ſhould have only that degree of ſeverity which is ſufficient to deter others. Now there is no man, who, upon the leaſt reflection, would put in compe-

tition the total and perpetual loſs of his liberty with the greateſt advantages he could poſſibly obtain in conſequence of a crime. Perpetual ſlavery, then, has in it all that is neceſſary to deter the moſt hardened and determined as much as the puniſhment of death. I ſay it has more. There are many who can look upon death with intrepidity and firmneſs; ſome through fanaticiſm, and others through vanity, which attends us even to the grave; others from a deſperate reſolution, either to get rid of their miſery, or ceaſe to live: but fanaticiſm and vanity forſake the criminal in ſlavery, ——— ——— ——— ——— ———; and deſpair ſeems rather the beginning than the end of their miſery. The mind, by collecting itſelf and uniting all its force, can, for a moment, repel aſſailing grief; but its moſt vigorous efforts are inſufficient to reſiſt perpetual wretchedneſs.

Par. 10. I ſhall be told, that perpetual ſlavery is as painful a puniſhment as death, and therefore as cruel. I anſwer, that if all the miſerable moments in the life of a ſlave were collected into one point, it would be a more cruel puniſhment than any other; but theſe are ſcattered through his whole life, whilſt the pain of death exerts all its force in a moment.

There

There is alſo another advantage in the puniſhment of ſlavery; which is, that it is more terrible to the ſpectator than to the ſufferer himſelf; for the ſpectator conſiders the ſum of all his wretched moments, whilſt the ſufferer, by the miſery of the preſent, is prevented from thinking of the future. All evils are increaſed by the imagination, and the ſufferer finds reſources and conſolations, of which the ſpectators are ignorant; who judge by their own ſenſibility of what paſſes in a mind by habit grown callous to misfortune.

Par. 11. Let us, for a moment, attend the reaſoning of a robber or aſſaſſin, who is deterred from violating the laws by the gibbet or the wheel. I am ſenſible that to develope the ſentiments of one's own heart, is an art which education only can teach: but although a villain may not be able to give a clear account of his principles, they nevertheleſs influence his conduct. He reaſons thus, "What are theſe "laws, that I am bound to reſpect, which "make ſo great a difference between me and "the rich man? He refuſes me the farthing "I aſk of him, and excuſes himſelf, by bid-"ding me have recourſe to labour with which "he is unacquainted. Who made theſe laws?

" the rich and the great, who never deigned to
" viſit the miſerable hut of the poor; who have
" never ſeen him dividing a piece of mouldy
" bread, amidſt the cries of his famiſhed chil-
" dren and the tears of his wife. Let us break
" thoſe ties, fatal to the greateſt part of man-
" kind, and only uſeful to a few indolent
" tyrants. Let us attack injuſtice at its ſource.
" I will return to my natural ſtate of indepen-
" dance. I ſhall live free and happy on the
" fruits of my courage and induſtry. A day
" of pain and repentance may come, but it
" will be ſhort; and for an hour of grief I
" ſhall enjoy years of pleaſure and liberty."

Par. 13. But he who foreſees, that he muſt paſs a great number of years, even his whole life, in pain and ſlavery; a ſlave to thoſe laws by which he was protected, in ſight of his fellow citizens, with whom he lives in freedom and ſociety; makes a uſeful compariſon between thoſe evils, and the uncertainty of ſucceſs, and the ſhortneſs of the time in which he ſhall enjoy the fruits of his tranſgreſſion. The example of thoſe wretches continually before his eyes, makes a much greater impreſſion on him

him than a puniſhment, which, inſtead of correcting, makes him more obdurate.

Part. 14. The puniſhment of death is pernicious to ſociety, from the example of barbarity it affords. If the paſſions, or the neceſſity of war, have taught men to ſhed the blood of their fellow creatures, the laws, which are intended to moderate the ferocity of mankind, ſhould not increaſe it by examples of barbarity, the more horrible, as this puniſhment is uſually attended with formal pageantry. Is it not abſurd, that the laws, which deteſt and puniſh homicide, ſhould, in order to prevent murder, publicly commit murder themſelves? What are the true and moſt uſeful laws? Thoſe compacts and conditions which all would propoſe and obſerve, in thoſe moments when private intereſt is ſilent or combined with that of the public. What are the natural ſentiments of every perſon concerning the puniſhment of death? We may read them in the contempt and indignation with which every one looks on the executioner, who is nevertheleſs an innocent executor of the public will; a good citizen, who contributes to the advantage of ſociety; the inſtrument of the general ſecurity within, as good ſoldiers are without. What

then is the origin of this contradiction? Why is this ſentiment of mankind indelible, to the ſcandal of reaſon? It is, that in a ſecret corner of the mind, in which the original impreſſions of nature are ſtill preſerved, men diſcover a ſentiment which tells them, that their lives are not lawfully in the power of any one, but of that neceſſity only, which with its iron ſceptre rules the univerſe.

Par. 15. What muſt men think, when they ſee wiſe magiſtrates and grave miniſters of juſtice, with indifference and tranquillity, dragging a criminal to death; and whilſt a wretch trembles with agony, expecting the fatal ſtroke, the judge, who has condemned him, with the coldeſt inſenſibility, and perhaps with no ſmall gratification from the exertion of his authority, quits his tribunal to enjoy the comforts and pleaſures of life? ——— ——— ——— ——— ——— ———.

Par. 16. If it be objected, that all nations in all ages have puniſhed certain crimes with death, I anſwer, that the force of theſe examples vaniſhes, when oppoſed to truth, againſt which preſcription is urged in vain. The hiſtory of mankind is an immenſe ſea of errors, in

in which a few obſcure truths may here and there be found.

Par. 17. But human ſacrifices have alſo been common in almoſt all nations. That ſome ſocieties only, either few in number, or for a very ſhort time, abſtained from the puniſhment of death is rather favourable to my argument, for ſuch is the fate of great truths, that their duration is only as a flaſh of lightening in the long and dark night of error. The happy time is not yet arrived, when truth, as falſehood has been hitherto, ſhall be the portion of the greateſt number.

Par. 18. I am ſenſible that the voice of one philoſopher is too weak to be heard amidſt the clamours of a multitude, blindly influenced by cuſtom; but there is a ſmall number of ſages, ſcattered on the face of the earth, who will echo to me from the bottom of their hearts; and if theſe truths ſhould haply force their way to the thrones of princes, be it known to them, that they come attended with the ſecret wiſhes of all mankind; and tell the ſovereign who deigns them a gracious reception, that his fame ſhall outſhine the glory of conquerors, and that equitable poſterity will exalt his peaceful

trophies above thoſe of a Titus, an Antoninus, or a Trajan.

Chap. xxxi.—*Par.* 11.

——— ——— ——— ——— The puniſhment of a crime cannot be juſt (that is neceſſary), if the laws have not endeavoured to prevent that crime by the beſt means which times and circumſtances would allow.

Chap. xxxii.—*Par.* 5.

——— ——— ——— ——— The moſt certain method of keeping a man at home is to make him happy; and it is the intereſt of every ſtate to turn the balance, not only of commerce, but of felicity in favour of its ſubjects.

Chap. xxxiii.—*Par.* 1.

——— ——— — ——— By inflicting infamous puniſhments for crimes that are not reputed ſo, we deſtroy that idea where it may be uſeful. If the ſame puniſhment be decreed for killing a pheaſant as for killing a man, or for forgery, all difference between thoſe crimes will ſhortly vaniſh. It is thus that moral ſentiments

timents are deſtroyed in the heart of man; ſentiments, the work of many ages and of much bloodſhed; ſentiments that are ſo ſlowly and with ſo much difficulty produced, and for the eſtabliſhment of which ſuch ſublime motives, and ſuch an apparatus of ceremonies, were thought neceſſary.

Chap. xxxiv.—*Par.* 5.

—— —— —— —— But unhappily the moſt ſimple, the eaſieſt, yet the wiſeſt laws, that wait only for the nod of the legiſlature to diffuſe through nations wealth, power, and felicity; laws, which would be regarded by future generations with eternal gratitude, are either unknown or rejected. A reſtleſs and trifling ſpirit, the timid prudence of the preſent moment, a miſtruſt and averſion to the moſt uſeful novelties, poſſeſs the minds of thoſe who are empowered to regulate the actions of mankind.

Chap. xxxvii.—*Par.* 3.

In ſome tribunals a pardon is offered to an accomplice in a great crime if he diſcover his aſſociates.

aſſociates. This expedient has its advantages and diſadvantages. The diſadvantages are, that the law authoriſes treachery which is deteſted even by the villains themſelves; and introduces crimes of cowardice, which are much more pernicious to a nation than crimes of courage. Courage is not common, and only wants a benevolent power to direct it to the public good. Cowardice, on the contrary, is a frequent ſelf-intereſted and contagious evil, which can never be improved into virtue. Beſides, the tribunal which has recourſe to this method betrays its fallibilty, and the laws their weakneſs, by imploring the aſſiſtance of thoſe by whom they are violated.

Par. 4. The advantages are, that it prevents great crimes, the effects of which being public, and the perpetrators concealed, terrify the people. It alſo contributes to prove, that he who violates the laws, which are public conventions, will alſo violate private compacts. It appears to me, that a general law, promiſing a reward to every accomplice who diſcovers his aſſociates, would be better than a ſpecial declaration in every particular caſe, be-

cauſe

cauſe it would prevent the union of thoſe villains, as it would inſpire a mutual diſtruſt, and each would be afraid of expoſing himſelf alone to danger. The accomplice, however, ſhould be pardoned on condition of tranſportation. But it is in vain that I torment myſelf with endeavouring to extinguiſh the remorſe I feel in attempting to induce the ſacred laws, the muniment of public confidence, the foundation of human morality, to authoriſe diſſimulation and perfidy.

Chap. xli.—*Par.* 1.

It is better to prevent crimes than to puniſh them.—This is the fundamental principle of good legiſlation, which is the art of conducting men to the *maximum* of happineſs, and to the *minimam* of miſery, if we may apply this mathematical expreſſion to the good and evil of life. —— —— —— —— . . .

Par. 2. Would you prevent crimes? Let the laws be clear and ſimple; let the entire force of the nation be united in their defence: —— —— —— —— ——

Chap.

Chap. lxiv.

Yet another method of preventing crimes is to reward virtue. Upon this ſubject the laws of all nations are ſilent. If the rewards propoſed by academies for the diſcovery of uſeful truths have increaſed our knowledge, and multiplied good books, is it not probable that rewards, diſtributed by the beneficent hand of a ſovereign, would alſo multiply virtuous actions? The coin of honour is inexhauſtible, and is abundantly fruitful in the hands of a prince who diſtributes it wiſely.

Chap. xlv.—*Par.* 1.

——— The moſt certain method of preventing crimes is to perfect the ſyſtem of education. But this is an object too vaſt, and exceeds my plan; an object, if I may venture to declare it, which is ſo intimately connected with the nature of government, that it will always remain a barren ſpot, cultivated only by a few wiſe men.

Chap.

Chap. xlvi.—*Par.* 1.

As puniſhments become more mild, clemency and pardon are leſs neceſſary. Happy the nation in which they will be conſidered as dangerous! Clemency, which has often been deemed a ſufficient ſubſtitute for every other virtue in ſovereigns, ſhould be excluded in a perfect legiſlation, where puniſhments are mild, and the proceedings in criminal caſes regular and expeditious. This truth will ſeem cruel to thoſe who live in countries, where, from the abſurdity of the laws, the ſeverity of puniſhments, pardons, and the clemency of the prince, are neceſſary. It is indeed one of the nobleſt prerogatives of the throne, but at the ſame time a tacit diſapprobation of the laws. Clemency is a virtue which belongs to the legiſlature, and not to the executor of the laws; a virtue which ought to ſhine in the code, and not in private judgment. To ſhew mankind that crimes are ſometimes pardoned, and that puniſhment is not the neceſſary conſequence, is to nouriſh the flattering hope of impunity, and is the cauſe of their conſidering every puniſhment inflicted as an act of injuſtice and oppreſſion. The prince

in pardoning gives up the public ſecurity in favour of an individual, and by his ill-judged benevolence proclaims a public act of impunity. Let, then, the executors of the laws be inexorable, but let the legiſlator be tender, indulgent, and humane.

Par. 2. A ſmall crime is ſometimes pardoned, if the perſon offended chooſes to forgive the offender. This may be an act of good-nature and humanity, but it is contrary to the good of the public. For although a private citizen may diſpenſe with ſatisfaction for the injury he has received, he cannot remove the neceſſity of example. The right of puniſhment belongs not to any individual in particular, but to ſociety in general, or the ſovereign. He may renounce his own portion of his right, but cannot give up that of others.

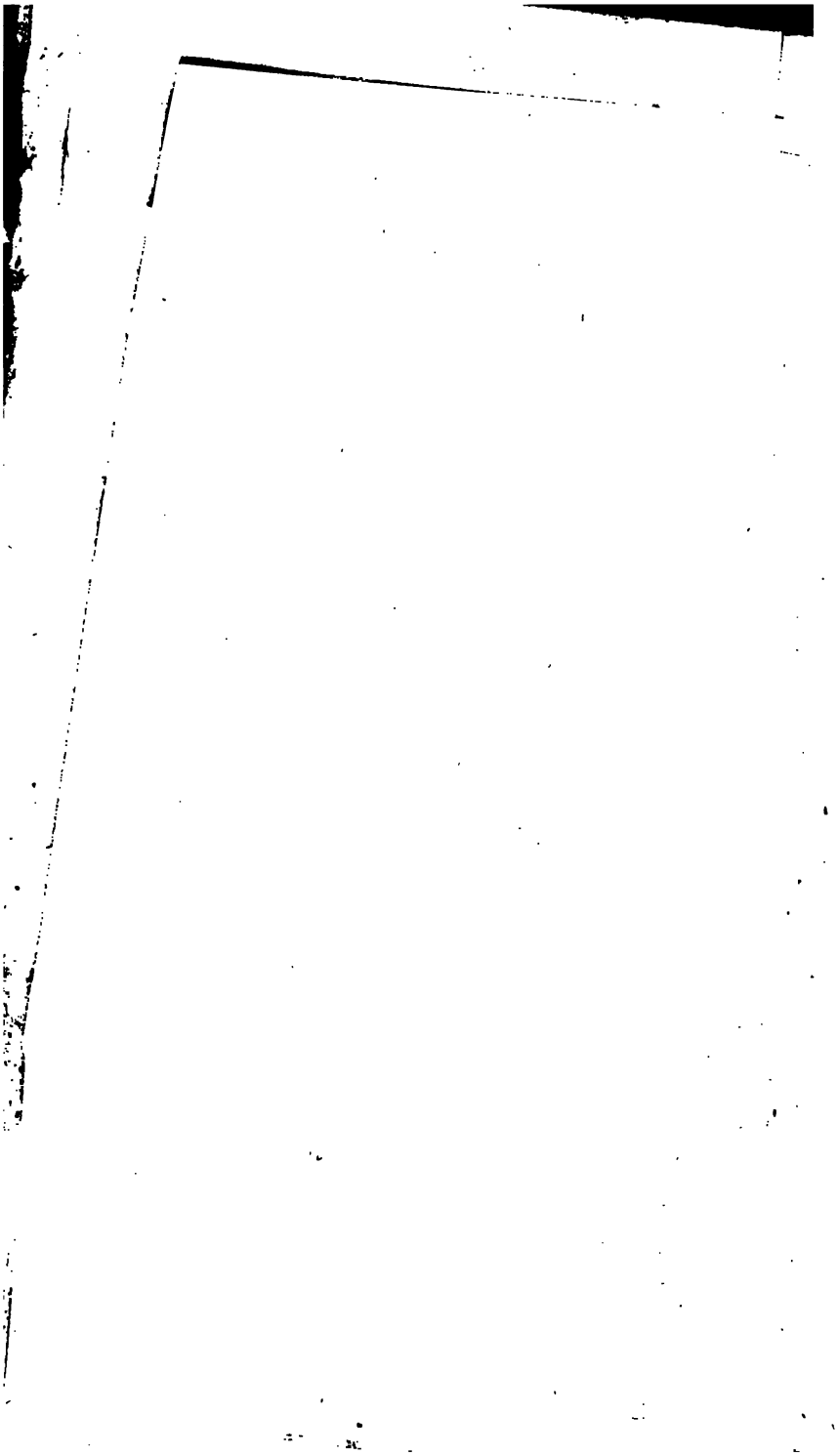
Chap. xlvii.—*Par.* 1.

I conclude with this reflection, that the ſeverity of puniſhments ought to be in proportion to the ſtate of the nation. Among a people hardly yet emerged from barbarity they ſhould

ſhould be moſt ſevere, as ſtrong impreſſions are required; but in proportion as the minds of men become ſoftened by their intercourſe in ſociety, the ſeverity of puniſhments ſhould be diminiſhed, if it be intended that the neceſſary relation between the object and the ſenſation ſhould be maintained.

APPEN-







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